

Top of Form

LEAGUE OF NATIONS  
PERMANENT MANDATES COMMISSION  
MINUTES  
OF THE  
FIFTEENTH SESSION

Held at Geneva from October 24th to November 11th, 1927.

including the  
REPORT OF THE COMMISSION TO THE COUNCIL

---

SEVENTH MEETING

Held on Friday, June 15th, 1928, at 10.30 a.m.

---

Chairman: The Marquis THEODOLI.

Present: All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

842. Palestine and Transjordan : Examination of the Annual Report for 1927  
(continuation).

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd, accredited representatives of the mandatory Power, came to the table of the Commission.

Collection of Laws of Transjordan.

The CHAIRMAN pointed out that, in conformity with Article 24 of the Mandate for Palestine, the text of all laws and regulations promulgated during the year was to be annexed to the annual report. For some time members of the Commission had received an annual collection of the ordinances promulgated in Palestine. This had not, however, proved the case in regard to Transjordan. Up to the moment, neither the Commission nor the Secretariat had received a collection of the legislation promulgated in that territory,

though the Secretariat received a copy of the Official Gazette of Transjordan; that gazette, however, was published in Arabic.

In view of the fact that Transjordan was a mandated territory, and since it was not excepted from the provisions of Article 24 of the Mandate, would it not be possible for the mandatory Power to take the necessary steps in order that the Commission should receive regularly the laws and other regulations promulgated in Transjordan?

Lt.-Colonel Sir Stewart SYMES undertook that every effort would be made to give effect to the desires of the Commission. The difficulty was one of translation. In most cases the laws promulgated in Transjordan corresponded with those of Palestine, but they were promulgated in Arabic, and the local translation staff was a very small one.  
Statistics regarding Transjordan.

The CHAIRMAN pointed out that the general statistics supplied by the British Government with regard to the mandated territory of Palestine, published in accordance with the decision of the Council, did not include any information concerning Transjordan. Could any similar data be furnished for that country, in order that the statistical tables might be more complete?

Lt.-Colonel Sir Stewart SYMES replied that the administration of Transjordan was still somewhat primitive. Even in Palestine, reliable statistics had been difficult to obtain, and it was the fixed policy of the Administration never to issue statistics upon which reliance could not be placed. As the administration of Transjordan improved, more statistics would become available, and every effort would be made to comply with the Commission's desire.

Relations between Jews and Arabs.

Lord LUGARD referred to information appearing in British newspapers regarding Arab-Jewish co-operation in Palestine.

1. Was the recently formed society known as the B'rith Shalom of importance in connection with the improved relations between the Arabs and Jews?
2. Was the recently established Arab Liberal Party of importance in this connection?

Lt.-Colonel Sir Stewart SYMES replied generally in the negative. There was no doubt that a greater spirit of toleration now existed than had formerly been the case, but too much political importance should not be attached to the social meeting of Arabs and Jews.

Southern Frontier of Transjordan.

Lord LUGARD referred to the fact that the Emir Ibn Saud had not recognised the southern boundaries of Transjordan. What was his attitude in this matter?

Lt.-Colonel Sir Stewart SYMES thought that this question might be one of those which Sir Gilbert Clayton would discuss with Ibn Saud.  
Entry of Jews into Transjordan.

M. VAN REES referred to the following passage in the Minutes of the eleventh session (fifteenth meeting):

"In reply to a further question from Sir F. Lugard, Sir John Shuckburgh explained that the policy of the mandatory Power was to leave it to the Government of Transjordan to decide whether or not it would admit Jews coming from Palestine. In view of its pledges, the mandatory Power could not bring any pressure to bear on the Government of Transjordan to allow them to enter."

According to Article 18 of the Mandate, the principle of equality extended to the exercise of any industry or profession.

M. Van Rees considered that this also covered the right of establishment. Jews settled in Palestine could claim Palestinian nationality, in which case they were not nationals of a State Member of the League, and could not therefore claim the equality stipulated in Article 18 of the Mandate. Were there any Jews, however, in Palestine who were not Palestinians, but nationals of Members of the League? Those Jews, it would appear according to the terms of the mandate, should be allowed the right of free access to Transjordan.

Lt.-Colonel Sir Stewart SYMES said that, owing to the special provisions or limitations of the mandate over Transjordan, Jews could not enter that territory of right as they could Palestine. With regard to their entry into the country, they were subjected to the same regulations as any other foreigner.

M. VAN REES considered that Article 18 of the Mandate applied to Transjordan, and that no limitation had been put upon its provisions in 1922. This being so, Jews nationals of a State Member of the League could invoke Article 18 in order to enter Transjordan. They must therefore be treated in exactly the same way as the nationals of any other State Member of the League.

Lt.-Colonel Sir Stewart SYMES replied that they were so treated.

M. VAN REES thought that in that case the reply of Sir John Shuckburgh did not appear to be accurate. He had said that it was left to the Government of Transjordan to decide whether or not it would admit Jews coming from Palestine. This appeared to apply to Jews of any nationality.

Lt.-Colonel Sir Stewart SYMES thought that what Sir John Shuckburgh had meant was that Jews could not claim the special privileges in regard to Transjordan which they could claim in regard to Palestine.

M. RAPPARD was not quite clear as to the exact nature of the special privileges which

Jews could claim in Palestine. For example, a Polish Jew who was a national of a State Member of the League had no more and no less rights than if he were merely a Pole, and not a Jew as well. Did he, because he was a Jew, lose any rights belonging to him as a Pole?

Lt.-Colonel Sir Stewart SYMES replied that the special privileges related rather to Jewish immigration as a whole than to individuals. The question did not arise in Transjordan.

M. RAPPARD wondered why the question had never arisen before. A Polish Jew could, through his Polish nationality, claim the right to settle in the mandated territory. As a Jew, he could claim the privileges resulting from the measures taken to provide a national home for Jews in Palestine. It was, however, the duty of the mandatory Power not to allow Jews to enter Palestine in excess of the economic capabilities of the country. In pursuance of this duty, had the mandatory Power ever excluded non-Jews from entry in order to fulfil the stipulations regarding the Jewish national home?

Lt.-Colonel Sir Stewart SYMES said that, as far as he was aware, no such case had arisen. The difficulty was, in fact, more apparent than real, for, in practice, it was mainly Jews who desired to settle in Palestine.

M. RAPPARD fully recognised the right of every country to limit immigration, but a mandated territory could not discriminate between nationalities; it would be wrong, for example, to use the economic argument that saturation point had been reached in order to exclude non-Jews from Palestine. He quite understood, however, that the question was of theoretical importance for the moment.

Lt.-Colonel Sir Stewart SYMES said that the immigration laws were applied to every nationality without discrimination.

In reply to a question from Lord Lugard, he said that the number of Jews desiring to enter Transjordan was not great. Individuals went there to take up special work. There had originally been a little feeling on the subject in Transjordan owing to a fear that a mass immigration of Jews into the territory might take place. The fear had been to some extent allayed.

In reply to M. Van Rees, Lt.-Colonel Sir Stewart Symes said that he was under the impression that very few Jews had permanently settled in Transjordan. He thought that none of them were engaged in agricultural pursuits; they were mostly petty traders.

Lord LUGARD asked whether he was right in thinking that the Zionist organisations desired to extend their colonies into Transjordan.

Lt.-Colonel Sir Stewart SYMES said that it was common knowledge that Zionists had looked to Transjordan as a possible field for expansion.  
Jewish National Home.

M. PALACIOS said that in the document entitled "Statistical Information concerning Territories under Mandate" prepared by the Secretariat and corrected by the mandatory Powers (document C.143.M.34) the tables for Palestine (excluding Transjordan) contained statistics on population and its increase, without, however, showing, as was the case with Iraq, the distribution of population according to religion and race. Information of this kind would be of the greatest interest. The tables did not show the source of the important increase of population during the last five years (1922, 755,182; 1926, 887,000). The increase had been due in great part to the Jewish immigration, as was shown by the various official reports of the mandatory Power. It was important that the statistical tables for Palestine should contain figures regarding the origin of the immigrant Jews in order that the Commission should be able to appreciate the development of the Jewish national home.

Elections for the Municipal Council of Gaza.

M. PALACIOS said that, by an order under the Municipal Franchise Ordinance of 1926, the High Commissioner had given instructions that fresh elections should be held for the municipal council of Gaza, since the elections for that Council were annulled by an order of the Courts. What were the circumstances connected with this case?

Lt.-Colonel Sir Stewart SYMES replied that irregularities had occurred in these elections. Complaint had been made and the Courts had confirmed the complaint, with the result that the elections had had to be annulled. The High Commissioner had therefore ordered the holding of fresh elections.  
Administrative Autonomy.

M. PALACIOS recalled the observations of the accredited representative to the effect that progress had been made towards the establishment of self-government and that the Arab population of Palestine was showing a more conciliatory spirit. They had complained in former days of interference with municipal autonomy. It appeared that the chairman and vice-chairman of each municipal council were always appointed by the Administration. Was this the case and did such a practice continue to give rise to discontent?

Lt.-Colonel Sir Stewart SYMES answered the first part of the question in the affirmative. There appeared to be no discontent, however, for the official appointment of a chairman and vice-chairman of a municipal council had certain evident advantages. No difficulties in this connection had, he thought, as yet arisen.

M. PALACIOS asked how many autonomous municipalities there were in Transjordan, and whether the municipal authorities were elected or appointed.

Lt.-Colonel Sir Stewart SYMES undertook to insert this information in the next report.

M. PALACIOS enquired what control the Central Government of the territory exercised

over the municipalities, how far they were independent, and to what extent the Central Government supervised their financial administration.

Lt.-Colonel Sir Stewart SYMES replied that, in general, Government control was exercised through the municipal law known as the Vilayet Law, which conferred on the Central Government certain powers of general control, especially in connection with the approval of the municipal budgets. The exercise of those powers was still very necessary.

Lord LUGARD enquired whether the budget of the municipal council was framed by themselves in accordance with the revenue obtained from the local rates.

Lt.-Colonel Sir Stewart SYMES said that, with one or two exceptions, municipalities had succeeded in balancing their budgets. In some cases a small Government grant-in-aid had been necessary to enable them to do so.

In reply to a further question from Lord Lugard, Lt.-Colonel Sir Stewart Symes said that the difference between the local and the municipal councils was mainly that the municipal councils were governed by the municipal law, which established a somewhat complicated and elaborate system suitable for application only to towns. At the outset, the civil administration had desired to develop local bodies in every way. It had discovered that the only means at its disposal for this purpose was to create municipalities. To do so, however, would in many instances have meant placing obligations on small villages and communities which they would have been unable to bear. For that reason a Local Councils Ordinance had been promulgated imposing far simpler obligations on such councils.

Lord LUGARD concluded that the village councils as at present constituted superseded such village committees as existed previously.

Lt.-Colonel Sir Stewart SYMES replied generally in the affirmative. In the case of Tel Aviv, a local council had been formed, as it was not possible to establish a municipality there at that time.

Attitude of the Askenasic Jews.

M. RAPPARD reminded the Commission of the number of petitions which had formerly been received from this sect. No petitions, however, had been received this year on the same subject. Was it to be concluded from this that the Askenasic Jews were now satisfied?

Lt.-Colonel Sir Stewart SYMES said that the new Regulation for the Jewish community had been published but was not yet in full working order. The final draft of the regulation contained certain concessions to the points of view of the Askenasic section. He thought that they were not fully satisfied with the regulation, but it might be that they had decided to wait and see its practical operation before submitting further petitions.

M. VAN REES concluded that the Administration was waiting to see whether the

opposition was subsiding and the opposition was waiting to see the effects of the Ordinance.

Lt.-Colonel Sir Stewart SYMES said that the necessary machinery for the elections was being elaborated. It had not yet been finished, and therefore the elections had not been held.

M. VAN REES said that the Commission had received a fresh petition from the Askenasic Jews, but that he understood it had been or would be withdrawn by telegram.

M. PALACIOS believed also that a telegram existed on this subject. There were at least two documents.  
Jewish Agency.

In reply to Lord Lugard, Lt.-Colonel Sir Stewart SYMES said that he was unable to give details regarding the reorganisation of the Jewish Agency. The result of Dr. Weizmann's tour in America had not yet been made known.

Immigration and Emigration : Economic Situation.

M. RAPPARD noted from the figures supplied in the report that immigration into Palestine had decreased and emigration had increased. Was there a complete conformity of view between the mandatory Power and the Zionist Organisation regarding the restriction of immigration?

Lt.-Colonel Sir Stewart SYMES said that, in present circumstances, the Administration and, he believed, the Zionist Organisation also, realised the necessity for restriction on the number of Jews entering Palestine immediately. The Zionist leaders, therefore, while reserving their right of criticism of the Administration, had refrained from opposing measures, the need for which was evident.

The CHAIRMAN reminded the Commission that, when Sir Herbert Samuel had appeared before it, he had pointed out that, whilst giving special privileges to Jews, the mandatory Power would have to be careful not to provoke a crisis. The entry of Jews into the territory would have to be restricted in accordance with the economic possibilities of the country. On page 5 of the report he saw that these views had been endorsed, for it was said, "The need for further restriction of immigration, which in three years 1924-26 brought a new population of more than 50,000 persons to the country, was nevertheless evident. It was clear that Palestine could not in a short time absorb so large a number of immigrants, and that existing sources of supply were inadequate to meet the economic commitments of this population".

What the Chairman had therefore foreseen appeared to have occurred. The task of the mandatory Power was an ungrateful one. It was pressed, on the one side, by Jewish organisations, which complained that the number of Jews allowed to enter the territory was insufficient, while, on the other hand, the Jews who were already established realised

the difficulties of remaining there. This was shown by the number of Jews that left the country, as compared with the number of those now entering it. It was essential, in his view, for the Commission always to urge that anyone entering the territory should be certain of obtaining work. If this were not the case, the first to suffer would be the original settlers.

Was the economic crisis due to bad harvests, or rather because too large a number of Jews had been allowed to enter Palestine in too short a time? It was essential, it appeared, to proceed slowly.

Lt.-Colonel Sir Stewart SYMES said that the facts in the report had been very fully and frankly stated. They bore out to an appreciable degree the views expressed by the Chairman. It was easier, however, for the Commission to give good advice in Geneva than for the Administration to put that advice into practice in Jerusalem. Part of the report referred to the extent of the crisis which, the Commission should realise, was on a very small scale. This fact rendered the question of the nice calculation of immigrants very difficult. The immigration figures from 1920 suggested that, if in 1925 the Administration had allowed, say, 25,000 instead of 33,000 Jews to enter Palestine, some of the present difficulties might never have arisen. To that extent, therefore, it pleaded guilty. Undoubtedly there had been too much optimism, both on the part of the Administration and on the part of the Jews. The economic situation had been thought to be more promising than actually proved to be the case. Provided, however, that the Administration maintained careful restrictions on immigration during the next few years, the situation should be remedied. He saw no need for undue apprehension or ground for pessimism in the near future.

M. RAPPARD said that an economic crisis was always a complicated matter, particularly so in a country like Palestine. In this case, it seemed to be due to a slackening of the generosity displayed by Jews outside Palestine rather than to local causes, for if the table of exports were examined it would be seen that they had never been higher than in 1927. Was it perhaps, therefore, a consequence of a crisis in Zionism itself?

Lt.-Colonel Sir Stewart SYMES replied generally in the affirmative. In order to support the surplus of Jewish population, capital had been required, and this capital had not flowed into the territory quite so quickly as had been hoped.  
Entry of Foreign Capital into the Territory.

The CHAIRMAN reminded the Commission that he had more than once in past sessions pointed out the difficulties experienced by the Jewish colonists in Palestine. Declarations by Lord Balfour, Sir Herbert Samuel and others had been somewhat optimistic. The Chairman had no desire to be accused of not sharing those views, but he would be failing in his duty if he did not raise the following question: How long would it be before the Jewish population of Palestine would become less dependent on the assistance received from outside the territory? The contributions seemed now to be diminishing and he wondered whether there was less enthusiasm in this matter. If he might make use of an analogy, Palestine resembled a sick person who could not recover for an indefinite period



of time, and the Administration should treat it as such. Was there not some danger that foreign capitalists who had invested their money in Palestine would get tired of sending help?

To sum up, would it be necessary to give the enterprise outside help much longer?

Lt.-Colonel Sir Stewart SYMES was unable to prophesy the exact date on which outside capital would cease to be necessary. The Zionist Organisation was anxious that the Jewish settlement in Palestine should be made self-supporting. Obviously, in order to settle a large number of Jews rapidly, certain artificial means had had to be used, which had necessitated a much larger expenditure of capital, a correspondingly greater risk and a considerable writing off of capital. Perhaps the writing off of capital had been greater than outside Jewry had anticipated. Perhaps the return on the capital invested had proved slower than had been hoped. He believed that ultimately the Jewish settlement in Palestine would become self-supporting in an economic sense and less dependent on monetary assistance from abroad.

Land Tenure.

M. VAN REES pointed out that the Zionist Organisation continued to complain that they had not been given a sufficient quantity of State land. The British Government had commented upon the petition, and it seemed that its reply was satisfactory. On the other hand, it appeared that the land survey was not making very great progress. Would it not be possible to progress more rapidly, in order to settle which lands could be allotted to the Jews?

Lt.-Colonel Sir Stewart SYMES regretted to say that, with all the good-will in the world, it was impossible for the Administration to proceed more quickly in the matter. As he had pointed out two years ago, small isolated properties were of little value for Jewish settlement. They needed large areas. The map that had been presented to the Commission last year showed how few State properties were of any considerable size. Questions of title were also involved and many of these would be cleared up in the course of systematic land settlement.

Lord LUGARD noted that on page 61 it was stated that Sir Ernest Dowson had acted as Commissioner of Lands until the middle of the previous year and had presented a report. Would it be possible to have his report or extracts from it? Again, on page 23, it was mentioned that a full statement of the Palestinian legal system relating to land tenure had been compiled as a guide to land settlement officers. This statement would also be of value to the Commission.

Lt.-Colonel Sir Stewart SYMES did not think the report of Sir Ernest Dowson would be of interest to the Commission. He had come to Palestine in order to give general advice on land questions to the Administration, and he had given much valuable advice on these questions and also on the reform of taxation. He had also examined certain questions that had been raised by the Commission concerning lands, but his actual report was a technical one and really constituted a form of regulations for land settlement officers.

In reply to a question by Lord Lugard, the accredited representative said that Sir Ernest Dowson had been Director-General of Surveys in Egypt, and afterwards Financial Adviser to the Egyptian Government.

The statement mentioned on page 23 of the report was only a digest of the existing Turkish law. Since this law, in its entirety, was inaccessible to officers in the field, it had been epitomised in order that the officers might refer to it in the course of their work. It was, in itself, of no judicial validity.

Lord LUGARD asked whether the system of tithe commutation of land had proved successful.

Lt.-Colonel Sir Stewart SYMES said that the results had, on the whole, been encouraging. In order, however, to arrive at a final judgment concerning this experiment, more time was needed, and its application over a wider field. In the present year, the system had been applied over practically the whole country.

Lord LUGARD said that much had been heard of complaints of Zionists that Article 6 of the Mandate had not been applied. According to approximate calculations which he had made, it appeared that 17.2 per cent of the land was owned by 19.15 per cent of the Jewish population. If this calculation were correct, the deficiency on the part of the immigrants did not seem to be very considerable, so far as mere area was concerned.

Lt.-Colonel Sir Stewart SYMES said that the Zionists were not, and could not be, entirely satisfied, for their contention was that, if more lands were available, an increase of immigrant population would follow.

Lord LUGARD asked whether the Jews possessed an equitable proportion of cultivable land. Complaints had been made that they had received marshy or sterile land.

Lt.-Colonel Sir Stewart SYMES said that this was the usual criticism against the State grants. Much of the land that the Jews bought themselves was among the best in Palestine.

With reference to the previous observation of Lord Lugard, he would point out that the figures of population given on page 98 did not refer to the whole of the Jewish population in Palestine, but only to the Jewish population settled on the land.

M. RAPPARD said that mention had been made in the report of the previous year of complaints by the Arabs of the Barrat Cæsarea. The hope had been expressed that the matter would be settled. There was, however, no information on this subject in the present report.

Lt.-Colonel Sir Stewart SYMES said that the question had arisen as to who should bring an action in the Courts to decide the legal issue, the Government or the Arabs themselves.

He did not know how this question had been decided.

M. RAPPARD said that he realised that proceedings of this kind took time, and especially in an Oriental country. In this particular case, however, the negotiations had dragged on for years.

Mr. GRIMSHAW asked whether some of the Baisan land had come into the market, and, if so, whether it was sold freehold.

Lt.-Colonel Sir Stewart SYMES replied that some of these lands had been sold by their proprietors, the beneficiaries under the Baisan Lands Agreement, who, once they had discharged their liabilities under the Agreement, obtained a free title to the land and could dispose of it like any other landowner.

Mr. GRIMSHAW understood that one of the results of this state of affairs had been that there had been a certain amount of speculation in land.

Lt.-Colonel Sir Stewart SYMES said that he did not think there had been many speculative dispositions of these lands.

Mr. GRIMSHAW enquired whether it was the case that lands had been purchased by Egyptians and Syrians, and whether these and other foreigners were treated on an equal footing with Palestinians in regard to the purchase of land.

Lt.-Colonel Sir Stewart SYMES replied in the affirmative.

Mr. GRIMSHAW did not know how far the complaints of the Zionists were justified with regard to their demand for the granting of as favourable terms as those given to outside persons; for instance, the right of payment over an extensive period.

Lt.-Colonel Sir Stewart SYMES said that the Zionists wished for preferential treatment, which it was difficult to give to them, without an infringement of the terms and purpose of the Baisan Lands Agreement.

Nationality.

Lord LUGARD asked what percentage of Jews and of Arabs had now accepted the certificate of Palestinian citizenship.

Lt.-Colonel Sir Stewart SYMES said that those Arabs who were ex-Ottoman subjects and acquired Palestinian citizenship automatically were not required, under the conditions of the law, to apply for such certificates. The response of the Jews had been less than had been expected. He could not give immediately the figures for which Lord Lugard had asked.

The CHAIRMAN recalled that some years ago he had raised the question of double

nationality. This question was a difficult one. To take a concrete example, were Jews who had emigrated from Poland considered in Poland as Polish nationals, and in Palestine as Palestinian nationals? He noted that in the year 1927 some 3,000 certificates of citizenship had been granted to Jews. Might it not be foreseen that this question might give rise to difficulties in Palestine in the future, difficulties concerning military service, marriage, inheritance, etc.?

Lt.-Colonel Sir Stewart SYMES said that the Administration had given due attention to this question. No emigrant could leave Palestine without a travel document in which his nationality, Palestinian or foreign, was stated.

He added said that the question of the renunciation of his nationality by a Palestinian depended on the law of the different countries. If the emigrant returned to Palestine, he would be required to present the original travel document.

M. RAPPARD asked whether there were any statistics of the number of emigrants of Palestinian nationality. He would not be surprised if the number were a small one.

Lt.-Colonel Sir Stewart SYMES said he had no information other than that contained in the report. He thought, however, that the Zionist organisation interested itself in this subject, and that the number, as M. Rappard had presumed, was very small.

On a question by M. Van Rees as to whether the acceptance by the British Government of the recommendations of the Third Conference on Communications and Transit, relating to double nationality, applied also to Palestine, the accredited representative said that he was not in a position to reply.

Judicial System.

Dr. KASTL drew attention to the following passage on page 45 of the report: "Fifty-nine persons were bound over under the Prevention of Crimes Ordinance 1923". What was the meaning of the term "bound over"?

Lt.-Colonel Sir Stewart SYMES said that the law in question was one enabling the executive to give a very severe caution to any person whom it considered likely to commit an offence. This was a very useful measure, for it made a professional robber realise that the officers of the law had their eye on him. He was required to give a guarantee that he would not commit an offence, and he knew that, if he did commit one, he would forfeit the guarantee. This measure was particularly efficacious in the case of agrarian crime. For instance, in cases of destruction of crops in villages, it was often impossible to get sufficient evidence for a court of law, although little doubt existed as to who were the persons responsible for an offence.

Dr. KASTL said that the New Judæa for August 12th, 1927, had published the following extract from the report of the Zionist Executive to the Zionist Congress:

"The hesitation caused by this suspicion (of the value of the Palestinian citizenship and certificates appertaining thereto) was aggravated by the existence of certain privileges

enjoyable by foreigners in the matter of justice and imprisonment, etc., under the pseudo-capitulations surviving from the old Turkish regime."

What were the privileges referred to in this passage, and upon what legal basis did they rest?

Lt.-Colonel Sir Stewart SYMES said that, under the Palestine Order in Council, 1922, foreigners had the right of having their case heard by a British judge. Jews of European nationality could claim this right, but naturally those of Palestinian nationality could not. He thought that this was the explanation of the passage in question.

Lord LUGARD asked at what date the Government of Palestine proposed to give the Commission a revision of its laws in a single volume.

Lt.-Colonel Sir Stewart SYMES said that such a collection of laws had been published in 1926; but, since new laws were continually being issued, it was not quite up to date.

M. RAPPARD pointed out that certain rumours had been heard regarding the independence and incorruptibility of native magistrates and judges. Was it the opinion of the accredited representative that the exercise of the judicial powers by natives was satisfactory?

Lt.-Colonel Sir Stewart SYMES replied that, on the whole, it had proved to be so. There had been a considerable improvement in the manner in which these officers were performing their duties.

In reply to a question by M. Rappard as to what means there were of dealing with injustice on the part of a native judge, the accredited representative said that the only means was impeachment. He added that a British judicial inspector had recently been appointed.

Dead Sea Concession.

The CHAIRMAN said he wished to ask the accredited representative certain questions concerning the Dead Sea concession. On November 30th, 1927, Mr. Ormsby Gore had made the following statement in the House of Commons:

"Four applications were received, and it was decided, in principle, to grant a concession to Major Tulloch and Mr. Novomeysky, based on their offer, provided that suitable terms and conditions could be agreed upon with them and that they furnished satisfactory financial guarantees. Negotiations on these points are still proceeding, and it is not possible at present to state what provisions the concession, if granted, will include."

Could the accredited representative inform the Commission why the concession had been accorded, in principle, to Major Tulloch and Mr. Novomeysky before the mandatory Power had assured itself of the financial guarantees and had decided the terms and conditions to be accepted by the concessionnaires? Who were the other applicants and what was their nationality?

On December 5th, 1927, Mr. Ormsby Gore had stated in the House of Commons that the Crown Agents were representing the Government of Palestine in their negotiations with Major Tulloch and Mr. Novomeysky, who were in principle the concessionaires of the Dead Sea. Had it been the Crown Agents who had decided on behalf of the Government of Palestine to grant this concession in principle to these applicants rather than to others, and what was the extent of the powers of the Crown Agents?

In an article in the New York Times of November 20th, 1927, M. Waldemar Kaempffert had stated that, during the military administration of Palestine, Lord Allenby had directed Major Tulloch, a well-known engineer, to examine the question of the riches of the Dead Sea. Had Major Tulloch's report been published? Also, had this mission been considered as constituting a right of preference for the attribution of the concession and had the idea never occurred that this mission might give Major Tulloch an unfair advantage over his competitors? It appeared, moreover, that Major Tulloch had been a former member of the Government staff. He would be glad if the accredited representative would give the Commission complete information on the relations of Major Tulloch with the Palestinian and British Governments concerning this investigation.

The Chairman wished also to know how the mandatory Power had brought the system followed in the case of Major Tulloch into line with the principle of Article 18 of the Mandate.

Lt.-Colonel Sir Stewart SYMES said that the Crown Agents were the agents of the Colonial Office and had not exercised discretionary powers in this matter.

He was personally not aware that Major Tulloch had been a member of Lord Allenby's staff, or claimed to be, in any special sense, a minerals expert, and he doubted whether any report he might have made would be of great technical value. The idea that the mineral wealth of the Dead Sea might be profitably developed had occurred to many people.

The question was, of course, of great importance to Palestine. Applications to undertake the exploitation had been called for by a notice which was published in the newspapers. Several groups, including certain American and English groups, had put in applications, none of which was found wholly acceptable. A letter had been sent to these groups giving them an opportunity of revising their applications. He did not remember how many of them had replied, but, after careful consideration, it was decided that the most acceptable offer was that of Major Tulloch and Mr. Novomeysky. It had therefore been decided, in principle, to begin negotiations with them regarding the details of the concession. These negotiations were not yet concluded.

M. RAPPARD asked whether, at the second stage, the tender was still open to other parties.

Lt.-Colonel Sir Stewart SYMES replied in the negative.

843. Telegram from the Askenasic Jewish Community.

M. CATASTINI read the following telegram dated Jerusalem, June 14th, 1928:  
"Preparing more material concerning Palestine Jewish community question which you may require when dealing with same and therefore request postpone dealing with our memoranda submitted first January and twenty-ninth April until another sitting.--  
Palestine, Agudath Israel Centre and Vaad Hair Ashkenasi."

The Commission decided to postpone the examination of these petitions to a later session.

---

#### EIGHTH MEETING

Held on Friday, June 15th, 1928, at 4 p.m.

---

Chairman : The Marquis THEODOLI.

Present: All the members of the Commission, with the exception of Mlle. Dannevig, M. Freire d'Andrade and M. Orts.

844. Palestine and Transjordan : Examination of the Annual Report for 1927  
(continuation).

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd, accredited representatives of the mandatory Power, came to the table of the Commission.  
Economic Equality.

Application of the Trade Facilities Act.

Dr. KASTL noted that the firm of Rutenberg had been granted a concession to develop electric power near the lake of Tiberias. For this purpose it had obtained a loan of £250,000 from the Prudential Company, and the British Government had furnished a guarantee. That guarantee stipulated that the various electrical appliances necessary must be bought in Great Britain. Was this the case?

Lt.-Colonel Sir Stewart SYMES replied that the information was in substance correct. The loan granted to the Palestine Electric Corporation had been guaranteed by the Treasury under the operations of the Trade Facilities Act. In accordance with the provisions of that Act, it had been stipulated that the money raised by the loan should, so far as possible, be expended in England.

The CHAIRMAN desired to make a reservation regarding the operation of the Trade Facilities Act. He did not himself endorse the theory that a mandatory Power could, when making advances to a mandated territory, insist that the sums thus obtained should be used to purchase goods coming exclusively from the territory of the mandatory Power.

Lt.-Colonel Sir Stewart SYMES said that the facilities afforded to the Palestine Electric Corporation could not have been granted except under the Trade Facilities Act, which contained this stipulation. The cost of the construction of the harbour at Haifa would be met out of the loan raised by the Palestine Government in 1927 and not by means of a loan guaranteed under the Trade Facilities Act.

The CHAIRMAN desired to reserve his opinion on the question of principle. Certain facts in the report left it open to doubt whether the principle of economic equality was observed in Palestine as fully as might be hoped.

M. RAPPARD said that the accredited representative might justly point out that Great Britain had been perfectly free to refuse credits to M. Rutenberg, and that it was in consequence equally free to grant these credits under any conditions it desired to impose.

Lt.-Colonel Sir Stewart SYMES pointed out that M. Rutenberg was a private individual. M. RAPPARD agreed. Had M. Rutenberg ever sought to obtain credit anywhere else than in England? As far as he was aware, this was not the case. In addition to being a private individual, he was also a concessionaire from the Government. This being so, the arrangements which he had concluded to obtain the money necessary for his purpose might reasonably be expected to give rise to a certain amount of criticism on the part of the public opinion of those countries which had been debarred.  
Customs Agreements.

M. RAPPARD referred to the following passage on page 101 of the report:

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

"A. The terms of an Agreement with Egypt on a reciprocal most-favoured-nation treatment basis have been settled in principle."

Article 18 of the Mandate stipulated that Palestine "may also, on the advice of the Mandatory, conclude a special Customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia".

Could Egypt, however, be said to fall within this category?

Lt.-Colonel Sir Stewart SYMES said that such an interpretation might seem to stretch the provisions of the article. In fact, however, this reference in the report was not relevant; the Customs Agreement with Egypt, which was not made by virtue of Article 18 of the



Mandate, should not have been included in the reply to the questionnaire."

M. RAPPARD pointed out that the mandatory Power, acting on behalf of Palestine, could not conclude any treaties which did not ensure equality of treatment, except with countries once wholly included in Asiatic Turkey or Arabia. Could not, however, a treaty containing the most-favoured-nation clause be considered as failing to ensure equality, since it granted preferential treatment? It would appear, therefore, to be contrary to the stipulations of the mandate.

Mr. LLOYD explained that when Palestine acceded to a commercial treaty between Great Britain and a foreign State, it was always made clear that goods imported into Palestine from the foreign State would not be granted the special treatment accorded to Syrian goods. A stipulation to this effect had been put in the Agreement with Egypt. The system was exactly the same as that followed by States with Customs unions, who, when concluding treaties with foreign States, reserved the right not to grant those States the special treatment they gave to the States forming part of the Customs union.

M. RAPPARD took an example. Supposing Palestine imported cotton from Egypt and cotton from India. Under the terms of the Agreement concluded with Egypt, would Egyptian cotton enter upon more favourable terms than Indian cotton?

Mr. LLOYD replied in the negative. The only cotton which would be treated on more favourable terms would be cotton imported from Syria.

M. RAPPARD concluded that Egypt, therefore, derived no particular benefit from the treaty.

Mr. LLOYD said that the adherence of Palestine to a commercial treaty concluded between Great Britain and a foreign State did not confer any advantage on that State, in view of the fact that all States Members of the League could claim equality of treatment in Palestine.

M. MERLIN said that a statement had been made, reported in the Times of September 2nd, 1927, to the effect that there was no Customs frontier between Palestine and the neighbouring territories, including Syria. Was this true, and had a decision to this effect yet been taken?

Lt.-Colonel Sir Stewart SYMES replied that no steps had been taken to remove the Customs barrier because it had already been reduced as far as possible. An agreement existed which regulated the various Customs arrangements between Palestine and Syria. A new agreement had recently been negotiated, but on this point it merely confirmed and described the status quo.

Construction of a Harbour at Haifa.

Dr. KASTL noted that it was intended to construct a new harbour at Haifa. Did the Administration intend to put the contract out to public tender?

Lt.-Colonel Sir Stewart SYMES said that this matter had been discussed in Parliament. So far as he was aware, the question of the method of construction was still under consideration. The report of the consulting engineers had not reached the Colonial Office when he left London.

Report by Sir John Campbell to the Palestine Joint Survey Commission.

Lord LUGARD asked whether the report of Sir John Campbell on the Zionist settlements had been published, and, if so, whether the Commission would receive copies.

Lt.-Colonel Sir Stewart SYMES said that the report had been called for by, and rendered to, the Palestine Joint Survey Commission, which was not an official Commission. He had not himself seen it. He was under the impression that it had not yet been communicated to the Palestine Government.

Phosphate Deposits in Transjordan.

In reply to a question from Lord Lugard, Lt.-Colonel Sir Stewart SYMES said that it had always been known that phosphate deposits had existed in Transjordan, but he would be surprised to learn that they had been discovered in commercial quantities.

Decrease in the Number of Buffaloes.

Lord LUGARD, with reference to the table on page 60, "Animal Census, 1920-27", noted a very large decrease in buffaloes. The numbers had fallen from 2,725 in 1920 to 596 in 1927. Was there any reason for this? Had they been attacked by disease?

Lt.-Colonel Sir Stewart SYMES said that a grievance of certain Arabs had been that the swamps in which the buffaloes had formerly lived had now been drained, with the result that the buffaloes had disappeared with the mosquitoes.

Holy Places.

M. PALACIOS pointed out, in regard to holy places, that the Commission provided for in Article 14 of the Mandate had not been appointed. Perhaps the same difficulties still existed to which Lord Balfour had referred at the private meeting of the Council held on October 4th, 1922. There still remained, however, Article 13. Generally speaking, the Commission had not received much information regarding the matters mentioned in this article. The reports said very little, and he therefore desired additional information either during the present session or in the next report.

Lt.-Colonel Sir Stewart SYMES said that it was impossible to promise that information would be included in the next report to the effect that the Holy Places Commission had met.

Upon what subjects did M. Palacios require information? Every endeavour was being made to apply Article 14, but, unless difficulties arose or something went wrong, there was little to say on this question.

M. PALACIOS asked for information regarding the present position. What was happening? Were the interests connected with the holy places being suitably protected? The statements in the report were brief and merely referred the Commission to previous reports.

Lt.-Colonel Sir Stewart SYMES said that no new development had occurred in regard to the establishment of the Holy Places Commission. The Permanent Mandates Commission could take it that, in this connection, no news was good news.

Protection of Minorities in Transjordan.

M. PALACIOS pointed out that Article 15 of the Mandate provided that there should be "no discrimination of any kind between the inhabitants on the ground of race, religion or language". In Transjordan, it appeared that there were apparently 10,000 Christians and 10,000 Circassians, against 220,000 Mohammedans. Had it been necessary for the mandatory Power to take any steps in order to carry out the above provision of Article 15 in the case of these Christians and Circassians? Did they live in separate communities, or were they scattered throughout the entire territory? To what extent did they have self-governing communities, and were those communities given legal recognition? Was there any danger of discrimination against those small groups as a result of the constitution of the legal government under the Emir, which was or would be almost entirely independent?

Lt.-Colonel Sir Stewart SYMES replied that the minorities in Transjordan were in the same legal position as those in Palestine. Both enjoyed the security of Ottoman law. There were one or two Christian tribes in Transjordan and in various villages. The Circassians lived separately in villages, but in the towns the population was mixed.

No serious complaints had been made with regard to oppression. Articles dealing with the protection of minorities would certainly be included in the new Organic Law of Transjordan.

M. RAPPARD asked, with reference to the Agreement, whether no change would occur in the legal position if the agreement were adopted "subject to the following provisions of the Palestine mandate". The Commission had been given to understand that the Agreement question had been concluded with the sole object of putting the mandate into force. Presumably, therefore, no change in the provisions of the mandate would take place. Could not a statement to this effect be added to the Agreement? To do so would perhaps allay the fears of those critics who were under the impression that the inhabitants of Transjordan might regard the Agreement as taking the place of the mandate instead of implementing it.

Lt.-Colonel Sir Stewart SYMES replied that, on the face of it, M. Rappard's proposal seemed unobjectionable, but he could, however, express no views upon it without the instructions of his Government.

M. RAPPARD expressed himself satisfied with this reply. He had raised the question because minorities appeared to be protected more clearly by the stipulations of the mandate than by those of the Agreement.  
Religious Communities Ordinance

Lord LUGARD, with reference to the Religious Communities Ordinance, asked: (1) whether any communities other than the Jewish communities had taken advantage of the provisions of the Ordinance; (2) what percentage of Jews had done so?

Lt.-Colonel Sir Stewart SYMES replied: (1) no other community had so far made application for the issue of a regulation; (2) it was impossible to ascertain the percentage of Jews in the community until the community registers had been published and the period of one month had elapsed within which those who did not wish to remain in the community could ask for their names to be struck off the registers.  
Frontier Disturbances.

M. SAKENOBE, with reference to page 74, noted that certain difficulties had occurred on the frontier of Transjordan in 1927. Were there no difficulties regarding the maintenance of order during the year under review? If so, what were the cause and nature of the difficulties? Was there any possibility of this frontier question being finally settled in the near future?

Lt.-Colonel Sir Stewart SYMES replied that no immediate trouble on the frontier was anticipated. The major cause of trouble had been the Druse refugees who had crossed the frontier. That cause had now been removed. Other difficulties were due to the fact that the frontier between Syria and Palestine from Hamme to the East had only been indicated and not clearly demarcated.

Some difficulty was experienced in obtaining an accurate demarcation of the frontier, but he hoped that this would be carried out soon.

M. SAKENOBE concluded that there were many tribes outside the frontier. Were these hostile to the inhabitants of Transjordan?

Lt.-Colonel Sir Stewart SYMES replied in the negative. There were, of course, the age-long disputes between the Bedouins and the villagers.  
Composition of the Transjordan Frontier Force.

Dr. KASTL noted that no Jews had enlisted in the frontier protection force. Complaints had been made of this. Were these justified, and were there any reasons for refusing to recruit Jews?

Lt.-Colonel Sir Stewart SYMES drew attention to the statement on page 46 of the report which showed that there were twenty-six Jews in that force. The fact that it was mainly employed in Transjordan and served under rather unpleasant conditions from the

European point of view limited the number of Jews who could, or who desired to, join it.

In reply to a question from M. Van Rees, he explained that both Jewish and Arab recruits had been refused if not physically suitable.

Antiquities.

The CHAIRMAN pointed out that the mandatory Power had on more than one occasion promised to publish a Law of Antiquities giving effect to Article 21 of the Mandate. He could only regret that it had not yet seen fit to do so, and once more reminded the accredited representative that Article 21 of the Mandate stipulated that such a law should be enacted within twelve months of the coming into force of the Mandate (September 29th, 1923).

Lt.-Colonel Sir Stewart SYMES said that an ordinance had been enacted in 1920 and was included in the volumes of laws furnished to the Commission. That ordinance was now being revised. The reason for the delay in the promulgation of the revised law was that the Director of Antiquities had been changed. The new Director had made certain amendments in the ordinance. It was now hoped that the revised ordinance would be published within a few months.

Abolition of Slavery in Transjordan

Mr. GRIMSHAW said that in the Note on the Abolition of Slavery attached to the letter from the British Government of July 29th, 1927, addressed to the Secretary-General of the League (document A.37.1927), it was stated that a law would be enacted to provide that "the personal freedom of dwellers in Transjordan shall be safe from aggression or interference". Had this law yet been enacted?

Lt.-Colonel Sir Stewart SYMES said he believed that provisions to this effect would be inserted in the Organic Law.

Question of a Railway between Ma'an and Aqaba.

M, MERLIN asked for details regarding the proposed railway from Ma'an to Aqaba. Was its construction really contemplated? If so, by what date? Why was it necessary? Would it be self-supporting? If not, who would bear the deficit? Finally, would not a good road better serve the purpose?

Lt.-Colonel Sir Stewart SYMES said that no practical proposal had been made to build a railway of this kind. It was unlikely that such a railway would be self-supporting at present.

Lord LUGARD said that it was reported that a proposal of this kind had been made. The railway was to be 60 miles long and to cost 1,000 per mile.

Lt.-Colonel Sir Stewart SYMES said that this information was probably taken from a

report of some concession-hunter. Persons of this kind were always prepared to carry out the construction of a railway provided somebody else would pay for it.  
Labour.

Mr. GRIMSHAW noted that a certain amount of factory legislation had now been enacted, and that Palestine was the only mandated area which had quite a considerable factory population. Had the Administration taken steps for the enforcement of this legislation by the creation of an inspectoral staff?

Lt.-Colonel Sir Stewart SYMES replied that the Government certainly intended to put this legislation into full effect. It had, however, only been enacted in the course of the last six or seven months. He was under the impression that inspectors had been appointed some time ago, although perhaps their names had not yet been published.

In reply to a question by Mr. Grimshaw, as to the department of the Administration to which these inspectors would be attached, Lt.-Colonel Symes said that they would work under the Secretariat and in close relation with the public health authorities.

Mr. GRIMSHAW noted that as yet there was no legislation on the question of wages, and that, as regards hours of labour, the only provision referred to the labour of children, whose working day was restricted to six hours.

Lt.-Colonel Sir Stewart SYMES said that the question of the insertion of a fair wage clause in contracts was being examined by a Special Commission, which had been set up by Lord Plumer. The report of this Commission had not been presented at the time when he left Palestine. The terms of reference of the Commission were very wide, and it would be open to it to express an opinion on the question of child labour.

Mr. GRIMSHAW said that complaints had been made concerning the condition of service of Government railway employees. It was alleged that they were sometimes required to work as much as twelve or thirteen hours a day, and it was further stated that a large proportion of the staff employed were what was known as "casual" labour.

Lt.-Colonel Sir Stewart SYMES did not know whether there was any truth in these assertions. In the case of the railways, special emergencies sometimes demanded a longer period of work. It was, however, the policy of the Government that an eight-hour working day should be maintained.

Mr. GRIMSHAW agreed that a regular eight-hour day was difficult at times to maintain, especially so far as the running staff of the railway was concerned. He thought, however, that this would not be so difficult in the case of the maintenance staff, and he urged, further, the advantages to be derived from the decasualisation of certain classes of maintenance workers.

Lt.-Colonel Sir Stewart SYMES thought that the complaint probably came from the Jewish side and that it related to the Arab methods of work. The Arabs liked to spread

their eight hours of work over a period of, say, ten hours. The Government, in some cases, got over this difficulty by instituting payment by piece-work.

Mr. GRIMSHAW asked whether the Administration insisted upon the insertion of conditions concerning wages in contracts given out by the local authorities.

Lt.-Colonel Sir Stewart SYMES replied that there were difficulties in the way. He thought that the report of the Special Commission would probably deal with this and other means of preventing the possibility of sweated labour.

Mr. GRIMSHAW expressed the hope that after the presentation of this report a clause of this nature would be inserted in all contracts. With regard to child labour, he understood that such labour was on the decrease. There was still much being done, however, that would not be allowed in a modern State. He would suggest that this question also could be dealt with, in part, by means of clauses in contracts given out by the Administration.

Lt.-Colonel Sir Stewart SYMES said this difficulty did not arise in the Government service itself. In the case, however, of work done by a contractor, it was not easy to exercise the same control without unduly fettering the contractor.

Mr. GRIMSHAW said that in a country like Palestine where industry was developing rapidly, the Government, which was by far the largest employer, should play the part of a model one. The insertion of a fair wages clause in contracts, the prohibition of child labour, and the decasualising of the labour in Government service, were essential factors of such a policy. He thought that the recognition of the trade unions was another such factor. The Government, he understood, did recognise the trade unions to a certain point, but he would like to know how far on the road that point was.

Lt.-Colonel Sir Stewart SYMES said that the Government fully realised the importance of setting an example in raising the standard of treatment of workers. In the Government service, as much as possible had been done to ensure against grave abuses. With regard to the trade unions, there was a considerable movement in favour of these in Palestine. The unions were not, however, only unions of workers. They consisted in many cases of a mosaic of all classes, and there was reason to believe that much of the movement had a political trend. In view of the circumstances of Palestine, the Government had to deal cautiously with unions of this kind.

---

\_\_\_\_\_ previous session to a case of importation  
Palestinians could accept. There had been rumours that, recently, a certain number of Armenian workers had been imported from Syria to undertake building work in Haifa.

Lt.-Colonel Sir Stewart SYMES said that a few Armenians might have filtered through from Syria, but that Government policy was strongly against the importation of foreign labour. Had there been any attempt at wholesale importation, the Government would certainly have prevented it.

Mr. GRIMSHAW said that a recent number of the Times had reported a case of "conscription of labour" in order to combat an invasion of locusts.

Lt.-Colonel Sir Stewart SYMES replied that this was probably only a picturesque journalistic phrase. It was obvious that, when an invasion of locusts occurred, everyone on the spot had to assist in combating it. Apart from this necessity, there was an Ottoman law which enabled the Administration to call on villagers for their co-operation in this emergency.

Mr. GRIMSHAW had been much struck by the fact that in Palestine facilities for workers' savings were apparently non-existent. There was no system of savings banks. Could not the Administration introduce such a system through the Post Office?

Lt.-Colonel Sir Stewart SYMES said that this absence of facilities applied not only to the workers, but to the whole country. The suggestion had been made to the Post Office authorities that they should establish a savings bank, but the latter had replied that, in view of the complication entailed by the three languages, and the fact that the Post Office organisation had only recently been set up, they could not at that stage undertake such a task.

Lord LUGARD understood that Mr. J. E. F. Campbell had investigated the question of unskilled labour. Had his report been published?

Lt.-Colonel Sir Stewart SYMES said that Mr. Campbell was the Chairman of the Commission on Wages. He could not say whether his report had been published. It had not even been presented at the time when he had left the country.

Lord LUGARD noted that the Village Roads and Works Ordinance had instituted a system of local rate for the purpose of carrying out road improvements in village areas, while allowing the inhabitants to offer work in lieu of paying the rate. If, however, the rate were assessed on the whole village, how could any individual offer his labour instead of it? Would it not be better to impose a rate per adult male to be paid from wages and not by labour?

Lt.-Colonel Sir Stewart SYMES explained that the present system had been substituted for an earlier Turkish system under which the Administration was authorised to require compulsory work from the villagers in case of urgency. It had been pointed out that this system was open to the objection that it was very similar to that of the *corvée*. Under the present system the rate was divided among all the inhabitants of the village and each villager might either pay his contribution or, if he so preferred, undertake labour in place of payment.

Education.

Lord LUGARD drew attention to the following passage on page 37 of the report with reference to the labour schools: "The methods of teaching are peculiar; there is no regular discipline; leadership and authority are delegated to the children themselves; there is no



fixed time-table, nor a definite syllabus". Why was such a system tolerated?

Lt.-Colonel Sir Stewart SYMES said he was sure that the criticisms were sound from the technical point of view, but it should be remembered that the Federation of Labour, which had instituted these schools in order to give the children some measure of education, was prevented by financial difficulties from attaining the standards that it might have desired. The schools should be judged by their results.

Mr. GRIMSHAW pointed out that there were many schools in England where the system of self-discipline was substituted for discipline from the outside and that these schools had succeeded in producing a very fine type of boy.

Lord LUGARD asked whether there was not a danger that the output from the highest class in the training colleges might be in excess of the number of teaching posts vacant.

Lt.-Colonel Sir Stewart SYMES said that this possibility had been considered but that there was no immediate danger. At the outset, one of the great difficulties had been to find qualified teachers, and in many cases it had been necessary to appoint teachers who had not full qualifications. These teachers were now being removed from town to village schools and the graduates from the training colleges were replacing them.

Lord LUGARD asked whether the text-books had been revised in order to bring them up to modern standards.

Lt.-Colonel Sir Stewart SYMES said that the schools relied largely on Egyptian sources for the supply of text-books. There was only a small number of text-books in Arabic, and the staff of the Department of Education had not so far been able to devote much time to the local preparation of text-books.

Lord LUGARD said that the question of text-books in the British Colonies had engaged the attention of the Advisory Education Committee in London. Had the Palestine educational authorities any relations with this Committee?

Lt.-Colonel Sir Stewart SYMES did not know whether the Palestine educational authorities were in touch with this Committee. He doubted, however, whether this Committee would be concerned to any extent with the question of Arabic text-books.

Lord LUGARD drew attention to the statement on page 39 that the study of Arabic was greatly hampered in the elementary schools by a complete lack of children's literature. What improvement was to be expected in this respect?

Lt.-Colonel Sir Stewart SYMES said that for a long time very little suitable literature had been produced in the Arabic language. There had been an increase in the last twenty or thirty years, but the number of suitable books available was naturally very small in comparison with the number available in European countries.

In response to a question of Lord Lugard as to whether the Hebrew universities and the teachers' training colleges were residential, Lt.-Colonel Symes replied that he was unable to say what proportion of the students were in residence.

In reply to a further question by Lord Lugard as to whether the system of co-education in the secondary schools had proved successful. Lt.-Colonel Symes said he believed that the Jewish authorities had been satisfied with the results.

Dr. KASTL understood that there were three kinds of non-Government schools, Moslem, Jewish and Christian. The budget of the Educational Department for the year had been 104,000 and there had been a grant to the Jewish schools of 20,000. Since the Jewish population constituted a fifth of the whole population, the amount of this grant seemed reasonable. On the other hand, complaints had been made on the grounds that the Jewish pupils constituted 50 per cent of the entire number attending the schools and that the grant for the Jewish schools should therefore be larger.

Lt.-Colonel Sir Stewart SYMES said that Jews would naturally prefer that the grant should correspond to the proportion of Jewish pupils in the schools. The Government allotted the grant, however, on a population basis. Since almost all the Jewish child population attended school, the adoption of the former system would have had the result that a greater sum proportionally would have been spent on the Jews than on the Arabs, although the former were only a minority of the population.

Lord LUGARD asked whether the grant-in-aid was paid in a lump sum or whether it was allotted to the schools in various proportions.

Lt.-Colonel Sir Stewart SYMES said that £20,000 was paid over in a lump sum to the Jewish educational authorities, who exercised the same functions in the case of the Jewish population as the Government did in that of the Arab population.

In reply to a question by Lord Lugard as to whether in the case of the non-Jewish population the grant was allotted to the schools in various proportions, Lt.-Colonel Symes said that the grant was allotted on the basis of individual attendance.

Traffic in Drugs.

M. PALACIOS said that the report of the Cairo City Police for 1926 mentioned a considerable amount of smuggling of drugs as having taken place between Syria, Palestine and Egypt. Had the Palestine Government obtained much evidence of this traffic during recent years, and what special measures had been taken to put a stop to it? To what extent did smuggling across the Arabian desert take place?

The Cairo City Police report for 1925 had also suggested that the Egyptian Government might join forces \_\_\_\_\_ relentless war against the wholesale importers, to tighten up control at the Egyptian ports, continue to increase the penalties, demand the invariable expulsion of foreigners convicted of trafficking and increase the rewards paid for seizure".

Had any such combined action, in fact, been taken and with what results?

Lt.-Colonel Sir Stewart SYMES said that there was close liaison between the police in Palestine, Syria and Egypt, to some extent Cyprus, and to a less extent Iraq. There had been a conference between the heads of the different departments on the measures to be taken for the prevention of the traffic in drugs, and the number of cases that had been brought to light had shown the police control to be effective. He did not think there was any considerable smuggling of drugs on the Arabian frontier; the general route was from Syria to Egypt, through Palestine.

Statistics regarding Birth and Death Rates.

Dr. KASTL drew attention to the table of births and deaths on page 41. Was there any particular reason for the increase in the death rate?

Lt.-Colonel Sir Stewart SYMES thought that the increase was probably more apparent than real. In the earlier years it had been very difficult to enforce the system of registration and notification. The information obtained was, however, becoming more complete each year.

Public Finance.

M. RAPPARD, with reference to Item 7, "Land Sales", to be found in the table of Revenue on page 76 of the report, asked:

1. Why had such sales been credited to ordinary revenue and not to a capital account?
2. A paragraph on page 77 said that distilleries were in course of establishment. Why had these been established?

Lt.-Colonel Sir Stewart SYMES promised to make enquiries on the first point.

M. MERLIN, with reference to M. Rappard's question on distilleries, pointed out that in Palestine these were exempt from excise duties. He concluded that the Administration had decided on this step in order to encourage distilleries.

Lt.-Colonel Sir Stewart SYMES said that distilleries were used also for preparing spirits for industrial purposes and it was therefore right that they should be encouraged. The number of distilleries was not being increased in Transjordan, for it was mainly a Moslem country. The distilleries merely distilled spirit which had hitherto been imported. M. VAN REES asked why the grant-in-aid to the Transjordan Frontier Police had been so large.

Lt.-Colonel Sir Stewart SYMES replied that this grant had been made to enable the Transjordan Government to maintain the Arab legion. Without a subsidy, the revenue of Transjordan was not sufficient for the maintenance of a large force of gendarmerie.

M. RAPPARD said that he had been surprised to note that, although there had been a

decrease in the grant made by His Majesty's Government towards the cost of the police, there had been an increase in the cost of that force. He concluded that this charge had been shifted to the shoulders of the local taxpayer.

Lt.-Colonel Sir Stewart SYMES said that the question might be looked at from another aspect. There had been a partial transfer of the burden that had been borne for many years by the British taxpayer.

M. RAPPARD asked for an explanation of the passage: "In 1925-26 the sum of £E92,048 was paid in respect of annuities on account of the Ottoman Public Debt; but these payments have since been suspended".

Lt.-Colonel Sir Stewart SYMES said that negotiations were in progress with a view to a settlement of the liabilities placed on Palestine in respect of the Ottoman Public Department. Pending a settlement, the payment of annuities had been suspended.

M. RAPPARD thought that the Mandates Commission might congratulate itself on the fact that a Palestine currency had been introduced. He was not clear, however, who would benefit by the profits of the Currency Board. He understood that this Board was a British one.

Lt.-Colonel Sir Stewart SYMES said that when sufficient reserves had been accumulated contributions from the profits of the Board would be made to the Palestine Government. It was hoped that these profits would be considerable.

In reply to a question by Lord Lugard. Lt.-Colonel Symes said that the coins were minted in London.

M. RAPPARD asked why the Board could not obtain the profits immediately.

Mr. LLOYD said that a certain time must elapse for the building up of the necessary reserves. It was hoped that in two or three years the reserves would be sufficient to permit of the payment of a contribution.

M. RAPPARD understood that a sum of £1,000,000 out of the loan of £4,475,000 mentioned on page 13 was to be used for the purchase of railway and other assets from His Majesty's Government. This item of expenditure did not figure, however, in the table on page 14.

Mr. LLOYD said that this table only showed the amounts of payments made at November 30th, 1927. The payment of the sum to which M. Rappard had referred was made in January 1928.

In reply to a further question by M. Rappard, Mr. Lloyd explained that the sum of 1,463,889 shown on page 14 as having been spent on railways had been expended by the Palestine Government, in anticipation of the raising of the loan, on the purchase of the

Jaffa-Jerusalem Railway, and on railway capital improvements. For this purpose, the Palestine Government had utilised its own surplus funds, and had borrowed monies from the Crown Agents.

M. RAPPARD pointed out that more than half of the entire loan which he had thought was intended for the construction of a harbour at Haifa and on the improvement of the port of Jaffa had been used for other purposes.

Lt.-Colonel Sir Stewart SYMES explained that the loan had been anticipated by borrowing money from the Crown Agents, with the result that works had been constructed at an earlier date than would otherwise have been the case. Palestine had benefited by this arrangement.

Lord LUGARD drew attention to the following passage on page 10 of the report: "The Railway revenue in 1926-27 realised £E369,679, and the expenditure, other than capital, amounted to £E290,435, being an excess of revenue over expenditure of £E79,244. The capital expenditure during the year amounted to £E71,456. These figures include the cost of services rendered by the Railways to Departments and by Departments to the Railways, but do not include interest or sinking fund on debt charges."

Were not these latter items charged to the railways?

Lt.-Colonel Sir Stewart SYMES said that they would eventually be so charged. A separate railway budget in this respect was under consideration.

The CHAIRMAN said that a promise had been made at the eleventh session of the Commission that separate accounts would be kept for the various sections of the Hedjaz Railway in Palestine and Transjordan.

He referred to page 122 of the Minutes of that session. In the present report, however, only figures for the Palestine section appeared and there was no statement of the net revenue of the entire railway.

Mr. LLOYD drew attention to the statistics given on page 65 of the report. The Hedjaz railway had been worked at a loss, and at the present time the total debit of that railway was about £47,000.

M. RAPPARD understood that the reason for the discrepancy between the figures of railway revenue given on page 7 and those given on page 65 was due to the fact that the former figures were those for the calendar year and the latter those for the fiscal year.

Lt.-Colonel Sir Stewart SYMES replied in the affirmative.  
Means of Transport and Communications.

M. MERLIN drew attention to the following passage on page 6:

"On the railways there was a falling-off of passenger traffic, particularly on account of the inability of the existing rolling-stock to compete successfully with motor transport."

All over the world train transport tended to be superseded by motor transport. The proper system, however, was to institute co-ordination between the two, in place of competition.

Lt.-Colonel Sir Stewart SYMES recognised that this was a serious problem. Two years previously a Board had been appointed to advise the Government on road policy. Lighter rolling-stock was on order, and it was hoped that faster trains might then be run at more frequent intervals to provide for passenger traffic.

M. MERLIN stressed the fact that the solution lay in the co-ordination of the two methods of transport. For some regions motor transport was more suitable and for other regions train transport. In France, certain railway services had incorporated motor services.

Lt.-Colonel Sir Stewart SYMES said that this principle had been recognised by the Palestine Government. One of the reasons, however, why, on certain routes, travellers preferred to travel by motor rather than by train was that the trains did not give all the facilities that might be expected. By endeavouring to improve the train service, the Government only wished to give the public reasonable facilities.

M. MERLIN understood that a cable was being laid between Cyprus and Haifa. Was this an undertaking of the State or a private one?

Lt.-Colonel Sir Stewart SYMES replied that it was a private undertaking after agreement with the two Governments concerned.

In reply to a question by M. Rappard, Lt.-Colonel Symes said that the Sinai Railway had originally been a military railway, and was still the property of His Majesty's Government, though managed by the Palestine Railways Administration. The Petah Tikvah Railway was constructed partly out of funds provided by the inhabitants of that place, and its accounts were kept separately for that reason.  
Ex-enemy Property.

Lord LUGARD recalled that the British Government had stated that in Palestine no ex-enemy properties had been liquidated under the Treaty of Versailles. Did this mean that there had been none to liquidate, and, if not, what had been done with them? Had they been returned to their former owners or had they been taken over by the local Government?

Lt.-Colonel Sir Stewart SYMES replied that, as far as he remembered, all ex-enemy properties had been returned to their former owners.  
Close of the Hearing.

The CHAIRMAN, speaking on behalf of the Commission, thanked Lt.-Colonel Sir

Stewart Symes for his collaboration and expressed regret that he would not be present on the next occasion when the Palestine report would be discussed. The Commission might be sure that Lt.-Colonel Symes' personal work had contributed in a large degree to the good results noted in the report.

Lt.-Colonel Sir Stewart SYMES thanked the Chairman for his kind words. He would always have a keen recollection of the kind manner in which he had been received by the Chairman and by all the members of the Commission.

Lt.-Colonel Sir Stewart Symes and Mr. Lloyd withdrew.

/...

948. Palestine: Petition concerning the Incident at the Wailing Wall, Jerusalem (September 24th, 1928).

The CHAIRMAN explained that the Secretariat had received a considerable number of communications from various countries concerning the recent incident at the Wailing Wall at Jerusalem. As most of these communications were couched in very general terms and as, moreover, a petition from the Zionist Organisation dealing with the same subject and much more detailed had been transmitted through the mandatory Power and was being dealt with by the Permanent Mandates Commission (Annex 11.A.), he hardly thought it necessary to have these documents distributed to the Commission or communicated to the mandatory Power for its observations.

A list of the communications received would appear as an Annex to the Minutes (Annex 11.D.). Almost all of the letters and telegrams had been addressed to the organs of the League by various Jewish personalities or organisations, and contained protests against the attitude of the mandatory Power or its officials, while one of them (telegram from the Emir Chekib Arslam) protested against the alleged changes made by the Jewish population of Palestine as regarded the status quo, and demanded that the latter be maintained.

The conclusions of the Commission on the Zionist petition might, if and when approved by the Council, be communicated as a reply to the various letters and telegrams.

He reminded the Commission that the matter was a very delicate one. The petition had been made by the Zionist Organisation, but he understood that the Jews who used the Wailing Wall were not Zionists. An incident had occurred on ground belonging to a Moslem Wakf. The Jews were accustomed to go to the Wailing Wall on Fridays and Saturdays to carry out their religious observances. On September 24th, 1928, the police had removed a screen set up by the Jews in front of the Wall. The police had been warned, it would appear, by the Moslems on the day previously that such a screen would be erected. In view of the fact that the erection of such a screen was contrary to the practice which had been followed since the Mandatory had been in authority in Palestine,

the authorities of that Power had ordered the Jews to remove it. As they had refused to obey, the police had taken action.

The Commission must now decide its attitude in regard to this matter. It could perhaps endorse the mandatory Power's view that, in removing the screen, it had merely acted in accordance with the terms of the mandate, and had preserved the status quo. The Commission could, he thought, at any rate express its regret at this occurrence.

M. RAPPARD thought that the only action which the Permanent Mandates Commission could take would be to express its regret at the occurrence and its hope that the mandatory Power would be able to reconcile the parties, while being careful to respect the various rights involved. The Commission must be very careful not to involve itself in any legal debate, for the matter of the rights of the Wailing Wall was complicated and had given rise to many disputes.

M. ORTS wondered whether the agitation which had been aroused in connection with this incident was not a little artificial. The fact in itself did not seem to merit such a commotion. Had not the petitioners given way to the temptation to take advantage of the incident in order to press for a modification of the status quo?

M. RAPPARD replied that, in view of the widespread and differing religious susceptibilities in Palestine, the agitation aroused by the incident had not surprised him. M. ORTS pointed out that telegrams and letters had been received from Jewish organisations all over the world. This seemed to indicate concerted action taken on a given word of command rather than a spontaneous outburst of indignation.

The CHAIRMAN thought that, if this were the case, the responsible body was the Zionist Organisation. The protests received by the Commission from various parts of the world had all been worded in similar terms, if not identically. This would lead one to suppose that the protest had been organised.

Lord LUGARD said that there were two distinct issues in the petition. First, the improper use of the police and, secondly, an appeal to the Permanent Mandates Commission to use its good offices to secure for the Jews the free use of the Wailing Wall. As regarded the first point, the Jews had been duly warned but had not obeyed the order of the authorities, and this despite the fact that a previous warning had been issued in 1925. If the mandatory Power had failed to enforce its order and to preserve what were admittedly Moslem rights, Moslem riot might have occurred. With regard to the second issue, the Permanent Mandates Commission could not, of course, intervene as an advocate for the Jews, however much as it might sympathise in their distress at this incident. The Jews had admitted the Moslem rights for they had actually tried to buy the Moslems out and had failed to do so. They could not possibly think that the mandatory Power could expropriate the Moslems by force.

M. RAPPARD supposed the reason for the petition to be that the Zionist Organisation was considered by Orthodox Jews who used the Wall to show lukewarmness in religions



matters, and had therefore taken this action to allay this suspicion.

Mlle. DANNEVIG pointed out that the riot had occurred on the most solemn of all the feast days of the Jews. This might explain the great agitation which had been aroused.

M. PALACIOS agreed with the views of M. Rappard. The Commission should express its regrets and its hopes that the mandatory Power would find means to reconcile the parties.

M. VAN REES agreed, but there was one point to which he would like to call attention. The petition stated that "the identical screen had been in use in the same position ten days previously, and without any complaint or protest having been communicated to any Jewish authority". This statement had not been contested by the Palestine Government.

M. RAPPARD explained that the screen, being small and portable, might on that occasion have been easily overlooked by the Moslems.

M. VAN REES said that the reading of the different documents had given him a very clear impression that the local authority in Palestine had not acted in this matter with sufficient wisdom and tact.

The comments of the British Government on the petition under discussion (Annex 11.B.) showed that, under the Turkish regime, the use of screens on the site in front of the Wailing Wall had been forbidden in 1912, a veto which had undoubtedly been observed by the Jews who inhabited Palestine at that time. It seemed, however, that since then considerable changes had occurred in this country and that the local authorities showed more solicitude for the Jews than had been the case during the Ottoman rule. There had been in the meantime the Balfour Declaration, especially confirmed by the mandate for Palestine, which accorded to the Jews a special legal position and special legal conditions. In view of this great change, it would be asked if it were really inevitable on the day of the great pardon to have recourse to force in the Turkish way, instead of trying to lead the Arabs not to oppose the erection of the temporary and portable screen which would not have obstructed the right of way and which had been employed a few days previously, apparently, without provoking any protestations on the part of the Arabs.

The British Government justified the attitude of the local authority by referring to Article 13 of the Mandate. But did this justification not reveal a spirit of formality which was scarcely in harmony with the generally broad-minded views of the British nation, seeing that Article 13 clearly dealt with the maintenance of existing rights, and that it was scarcely admissible to infer, from the temporary use of a screen and the placing of some chairs on another's property, that an attempt was being made on the part of the Jews to infringe any right whatever.

M. Van Rees in no way blamed the action of the police, who had only carried out the order of the competent authority. He wondered whether these events could not have been prevented if a little more care had been exercised by that authority. He knew, however,

that, under the circumstances, it would be difficult for the Permanent Mandates Commission to do more than M. Rappard had suggested.

M. MERLIN said that, for centuries, the Wailing Wall had formed part of a mosque, but was in reality the ruins of the Temple of Solomon. The Jews went there at regular periods to lament the past glories of Israel. The Wall, however, and the space in front of it were Wakf property.

In 1912, the Turkish Government had allowed the Jews to use the Wall for religious purposes, provided that no buildings or any material whatever were constructed or placed near it. If this injunction were broken in the slightest degree, the whole arrangement fell to the ground. Therefore, even the introduction of a portable screen had definitely interfered with the rights of the Moslems. Jerusalem was a city containing many fanatics, and incidents of a violent nature had, in consequence, been frequent. The police, fearing a riot, had told the Jews to remove the screen. Meeting with a tacit refusal, they had acted with prudence and, he thought, with moderation, though they had not been able to prevent a riot.

The mandatory Power had stated that it had confined itself to maintaining the status quo in accordance with the terms of the mandate. Any incident occurring on Wakf property might be considered by the Moslems to be an attempt at annexation. While the mandatory Power must endeavour in all cases to maintain the status quo, in doing so incidents might occur. The authorities should not, therefore, remain inactive, but should do their best to reconcile the conflicting parties by all possible means, and in this instance the authorities in question did not appear to have done so.

The petition, therefore, though not founded in law, should not be entirely rejected on that account. The Commission should urge the mandatory Power to do its utmost to reconcile the parties. He therefore agreed with the observations of M. Rappard.

M. PALACIOS added that it appeared that the order to remove the screen had not been formally given to persons enjoying real authority in the Jewish community.

Lord LUGARD entirely agreed with M. Rappard. The Commission should express its regret at the incident and its hopes that the efforts of the mandatory Power to find a solution might prove successful.

Dr. KASTL also agreed with M. Rappard and Lord Lugard.

The Commission appointed M. RAPPARD rapporteur for this question.

/...

958. Palestine : Petition from the Palestine Arab Moslem-Christian Congress and Comments of the British Government, dated July 24th, 1928.

M. RAPPARD submitted his report on the petition from the Palestine Arab Moslem-Christian Congress (Annex 9).

M. VAN REES said that he had read with much interest M. Rappard's report, and asked whether M. Rappard would agree to omit the last sentence, which read:

"In the present instance, it seems obvious that a form of democratic and parliamentary Government is not provided for either by the Covenant or by the mandate, and that it is not even compatible with the obligations devolving upon the mandatory Power under those engagements."

M. RAPPARD wished to explain the meaning of the sentence which M. Van Rees proposed to omit.

Under Article 2 of the mandate for Palestine, the mandatory Power had assumed responsibility for establishing in the territory political, administrative and economic conditions of a nature to ensure the establishment of a national home for the Jewish race. The population of Palestine, however, was mostly Arab and was opposed to the establishment of the Jewish national home. It was, in these circumstances, plain that, if a democratic and parliamentary Government were established in Palestine, its first action would be to abrogate the disposition foreshadowed in the Balfour Declaration.

M. VAN REES feared, nevertheless, that the sentence in question might give rise to different interpretations. Moreover, he did not consider it to be indispensable, and its omission would not weaken in the least the report by M. Rappard.

M. PALACIOS recalled that the question raised by the Arabs, to which M. Rappard had just replied in his report, had already been discussed at length by the Mandates Commission. When examining the first report submitted by the mandatory Power on the Palestine administration, the Commission had asked Sir Herbert Samuel, who was the accredited representative for Great Britain, for information concerning the Jewish national home, and also concerning the measures taken by the mandatory Power to give effect as regards the Arabs to the provisions of Article 2 of the mandate.

Three stages in the development of the question could be distinguished. In the first stage, Sir Herbert Samuel had told the Commission that the mandatory Power had been unable to go very far towards developing the institution of free government stipulated in Article 2, but that it was prepared to put into execution the policy outlined in 1923 as soon as the Arabs who were at that time in opposition decided to co-operate with the Mandatory.

In the second stage, Mr. Ormsby Gore, who was then representative of Great Britain to the Mandates Commission, had said that the Government was carried on in Palestine by officials of the mandatory Power and had asked the Commission to be patient; perhaps it would be possible in ten years to begin to set up representative institutions.

The third stage, namely, the present stage, was what might be described as the stage of

confusion; the Arabs were asking that the free Government stipulated under Article 2 should be granted, to which the mandatory Power replied by saying that it would be prepared to set up the local councils contemplated by the terms of Article 3.

M. Palacios thought that the external policy of Great Britain always gave proof of great wisdom, and he proposed that the Mandates Commission should express its confidence in the Mandatory as regards the task still awaiting accomplishment in Palestine. Nevertheless, he thought that the principle enunciated in Article 2 in regard to the institution of free government should be recalled.

Dr. KASTL thought that it would be incorrect, in point of fact, to say that democratic government was not stipulated in the mandate. It was rather the reverse which seemed to be the case.

M. RAPPARD maintained his point of view and emphasised that the mandate absolutely excluded the democratic Parliament as government of the territory by the inhabitants, since it conferred certain powers on the Mandatory, in regard to that territory, which were incompatible with the sovereignty of a free Government. If a free and democratic Government were installed, the powers of the mandatory Government would disappear and there would be a breach of the terms of the mandate.

He had, however, no objection to the omission requested by M. Van Rees.

The Commission decided to omit the passage referred to by M. Van Rees.

The Commission approved M. Rappard's report with the above amendment.

/...

## ANNEX 9.

### PETITIONS.

#### A. Palestine.

Petitions from Certain Turkish Subjects of Palestinian Origin, now living some in Honduras, others in Salvador and others in Mexico, dated April 23rd, June 10th, and September 19th, 1927.

C.P.M.659(1).

#### REPORT BY MRS. ANNA WICKSELL.

1. In letters dated April 23rd, 1927, June 10th, 1927, and September 19th, 1927, respectively, eleven Arabs residing in Honduras, the Sociedad Fraternidad Palestina of San Salvador and the Palestinian Colonies of Monterrey, Mexico, state that they had applied, through the British consular authorities in these countries, for Palestinian citizenship, but that their applications had been refused on the ground that they had been absent from Palestine for a period of more than ten years. The applicants maintain that

they were all born in Palestine and that they have not during their absence changed their nationality; those resident in Honduras add that they still own land in Palestine, and that, though their engagement in commerce has hitherto prevented their return to Palestine, they, each and every one of them, expect to return home at some future date; the San Salvador society complain that they have been refused passports to visit or return to Palestine.

All the petitioners protest against the decision of the High Commissioner of Palestine and claim to be registered as Palestinian citizens. The petitioners in Mexico also ask to be informed by what means native born Palestinians can acquire citizenship in their native land.

2. The observations of the British Government on the petitions from Honduras and San Salvador were forwarded to the Secretary-General in a letter dated October 25th, 1927, and the accredited representative explained to me that his Government would have nothing to add as regards the petition from Mexico and would not object to its immediate examination by the Commission.

According to the information given, under Article 34 of the Treaty of Lausanne the right of natives of any of the territories detached from Turkey habitually resident abroad to acquire the nationality of that territory is made subject to the consent of the Government exercising authority therein--which in this case is undoubtedly the British Government. In exercise of these discretionary powers, the British Government decided to entertain options for Palestinian citizenship only in the case of persons who could be considered to have maintained a substantial connection with Palestine. This principle was embodied in a rule according to which Turkish nationals, natives of Palestine but resident abroad, could acquire Palestinian citizenship under Article 2 of the Palestinian Citizenship Order in Council, 1925, only if they had emigrated from Palestine during or after the year 1920, or if, having emigrated before 1920, they had since returned to Palestine and resided there for not less than six months. In either case, the applicants were required to satisfy the High Commissioner that they intended within a reasonable period to return to Palestine and to reside there permanently. This latter condition is explained by the general undesirability of creating a class of persons permanently resident abroad who are entitled to British protection.

3. The legal right of the British Government to refuse the application of the petitioners cannot be contested.

4. There remains the question of equity. I can see no justification whatever for a person who has lived for more than ten years in a foreign country as a Turkish national, and who intends to stay there for an indefinite time, claiming the right to change the protection which Turkey has given him, and which is not complained of, for British protection. But if and when he actually returns to the country where he has been born and bred, it may be a little hard on him to have to seek naturalisation there on exactly the same footing as a genuine foreigner. Some European countries of late have granted to their old nationals, even if they have become the naturalised citizens of another State, a shorter residential

qualification for regaining their old nationality than is required of real foreigners. In Article 7, section 5, of the Palestinian Citizenship Order in Council, it is, however, laid down that "the High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application".

5. With reference to the complaint that visas to return to Palestine are refused to the petitioners, it is stated by the mandatory Power that instructions are being issued to British consular officers to the effect that visas for Palestine may be granted, without reference to Jerusalem, to any persons who were born in Palestine and desire to return to Palestine either on a visitor for permanent residence, if they can prove that they were born in Palestine and still possess Turkish citizenship, and provided that there is no political or other objection to them on the ground of character, and that they are not, so far as it is known, suffering from any of the diseases indicated in Regulation 12a under the Palestine Immigration Ordinance, 1925. Any one of the petitioners who really wants to return to Palestine will accordingly, subject to the above conditions, be allowed to do so, and can there in due course become a Palestinian citizen by naturalisation.

\*  
\* \*

My conclusion is that the claim of the petitioners to be immediately registered as Palestinian citizens is not justified.

Bottom of Form