

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES
OF THE
THIRTY-FOURTH SESSION

June 18th, 1935

including the
REPORT OF THE COMMISSION TO THE COUNCIL

/...

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the native population had increased by 40% in the course of twelve years, which seemed extremely satisfactory.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Sir John McLaren for the assistance he had afforded the Commission in its examination of the annual report.

FIFTH MEETING.

Held on Wednesday, June 5th, 1935, at 10.30 a.m.

Palestine and Trans-Jordan: Examination of the Annual Report for 1934.

Mr. S. Moody, O.B.E., Assistant Chief Secretary to the

Government of Palestine, and Mr. H. F. Downie, O.B.E., Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN extended a welcome on behalf of the Commission to the accredited representatives, whom the Commission had already had the pleasure of meeting on the occasion of the examination of a previous annual report.

He asked Mr. Moody if he wished to make a general statement on the situation in Palestine and Trans-Jordan.

GENERAL STATEMENT OF THE ACCREDITED REPRESENTATIVE.

Mr. MOODY. -- Mr. Downie and I would like to thank the Chairman and the Commission for their reception. It is my intention to give a short conspectus of events and tendencies up to the present time, and to say that, having previously experienced the constructive sympathy of this Commission, we appear to-day with greater confidence than we should have done without that experience.

The financial position of the Palestine Government continues to be sound.

It is satisfactory to record that the revenue derived from Customs remains at a high level (£P2,600,000 in 1934-35), thus enabling the High Commissioner to make provision for the extension of the various services to meet the legitimate demands of an increasing population increasingly anxious for assistance, counsel and treatment from the Government in matters of health, education and agriculture, and ever extending its use of the posts, railways, roads and harbours of the country. Moreover, a much larger programme of extraordinary works is being embarked upon, together with improvements, most of which are of a productive nature and will result in a saving of recurrent expenditure or will help in the economic development of the country.

It has also been possible, for the same reasons, to reduce taxation in certain respects; thus, the rate of the urban property tax in residential premises has been reduced from 12 ½% to 10% of the net annual value, the excise duty on tobacco has been reduced from 350 mils to 250 mils a

kilogramme, and the import duty on coffee and rice substantially lowered.

As regards local industry, there are indications of its healthy development, although at present most of the products of local industries are consumed locally. Efforts are being made by means of trade agreements to ensure an outlet for export as local industries expand.

The pipe-line of the Iraq Petroleum Company was formally opened by the High Commissioner at Haifa in the presence of a very distinguished assembly of visitors from the United Kingdom, France and the United States of America; and the stations in Trans-Jordan were similarly inaugurated by His Highness the Amir of Trans-Jordan. The oil dock is approaching completion.

The additions and improvements to the ports of Jaffa and Haifa which were authorised in 1934 have in the event fallen short of the greater volume of business with which these ports have been called upon to deal, and further measures to relieve congestion and accelerate the handling of cargo in both ports have now been put in hand. Moreover, a programme of possible enlargement of the Port of Haifa by the provision of additional berths and ancillary facilities is in course of preparation, in order that, should the need for extension be established, delay in carrying out the necessary works will be avoided.

Rents are still high in Haifa and Tel Aviv, and the High Commissioner felt bound, on the representations of the municipal councils concerned, to prolong the Rents Restriction Ordinance for a further year. The prolonging Ordinance, in addition, makes it possible for rent restrictions to be applied also to business premises wherever the council thinks fit, and the High Commissioner is satisfied that this further measure of regulation of rents is warranted at Tel Aviv.

Considerable progress has been made in the layout of the reclaimed area at Haifa following the auction of certain sites for warehouses.

With a view to the most favourable development of the reclaimed area and in order to deal with the passenger traffic from the important commercial enterprises which will be carried on there, the High Commissioner has decided

to construct a new passenger station of the Palestine Railways in the central plot of the area, known as Plumer Square, which will simplify connections with outgoing and incoming steamers.

The oil area within the breakwater is now to be dredged and Government moorings for lighters are to be laid down in the harbour basin.

A suitable site near Lydda has been selected for the main civil airport of Palestine, and it is hoped shortly to begin preparing it for use by civil aircraft companies. The construction of a secondary aerodrome at Haifa, capable of subsequent expansion, is also in contemplation.

Winter rains were good, and, although the latter rains were not as well distributed as they might have been, the signs are favourable for a good harvest--the first the country will have had for nearly five years.

The Commission is aware of the High Commissioner's particular interest in farming. Ever mindful of doing everything possible to improve the lot of the Palestine farmer, both Jew and Arab, he had continued to use every method and opportunity of stimulating the work of issuing good seed, improving animal husbandry, encouraging better methods of farming and helping farmers to adopt mixed farming rather than monoculture. This work has been done largely through the Government agricultural stations and may be regarded as the first great step of the long stairway whereby the High Commissioner hopes to lead the Palestine farmer from a state of indebtedness and poverty to one of well-being and assured prosperity. The High Commissioner believes that a second step will be found in the enactment of the new rural property tax, which will bring relief to farmers in general, but more especially the poorer farmers, whether in Arab villages or in Jewish settlements. A third step on this stairway will be in the establishment of a much needed Agricultural Mortgage Bank and the issue of long-term loans at a low rate of interest.

In a recent speech to the farmers of Palestine and others interested in farming, the High Commissioner reviewed the actual achievements of the Government in the improvement of farming under the following heads:

- (a) Provision of seed of good quality from agricultural stations for distribution to

farmers;

- (b) Production of fodder for live-stock;
- (c) Improvement of live-stock;
- (d) Reduction of ticks and tick fever;
- (e) Development of poultry farming and beekeeping;
- (f) Citrus research and demonstration;
- (g) Encouragement of fruit-growing;
- (h) Expansion of the work of the forest service;
- (j) Increase in number of school gardens;
- (k) Kadoorie agricultural schools.

The Rural Property Tax Ordinance was enacted early in January, and by July all arrangements will have been completed for the assessment and collection of the tax. Generally speaking, this fiscal innovation has been greeted with satisfaction by the population, and it should not only make for simplification of the task of the Government departments concerned, but also constitute a very real relief for the poorer cultivator.

The Agricultural Mortgage Company of Palestine was registered in April and is expected to start its operations before the end of the year.

The situation of the transferees under the Ghor Mudawwara Agreement has been considerably improved by a new Agreement which the Government offered them, extending the period for repayment of the instalments and waiving all arrears of interest hitherto unpaid--in the aggregate, a very considerable sum of money. In return for these benefits, the transferees have, in their own interests, to agree not to dispose of their subsistence area or *lot viable* without the consent of the Government. A large proportion of the transferees have already signed the new agreement.

In sympathy with the Palestine Government's desire that Palestine should not be flooded with cereals as a result of the expected bumper harvest in Syria, the Syrian

authorities have agreed that imports of wheat and flour from Syria and Lebanon shall be included for a year in the general system of regulation under quarterly licences by which the Palestine Government controls the influx of these commodities into the country for the protection of the local cultivator.

A delegation of one official and two unofficial members, with a number of Government officers as expert advisers, proceeded to Egypt in May. It is trusted that the outcome of this delegation will be to regain for Palestine some of the trade in agricultural produce and soap which it lost owing to the introduction some years ago of prohibitive protective tariffs in Egypt.

It has proved possible, on account of the improvement in the situation as to scale infection in the orange groves in the north, to raise the embargo on the introduction of northern fruit into southern Palestine. This should bring considerable benefit to the growers and merchants in the north and may help them along the way to economic stability, which, in turn, should furnish them with the means to improve the cultivation of their groves.

The High Commissioner has appointed a Committee, consisting for the most part of unofficial members, to study the present methods of transporting the citrus crop from grove to port of destination and of marketing the crop generally. It is hoped that this Committee will produce a series of practical recommendations which will help the industry in meeting the growing competition on foreign markets and ensuring the progressive increase of sales of citrus fruit which the annual increase of production demands.

Negotiations have been resumed, under the chairmanship of a Government officer, between the Vaad Leumi and the Central Agudath Israel with a view to providing for the satisfaction of all legitimate communal needs and requirements of personal status of Agudath members within the framework of the general Jewish community.

His Majesty's Government hopes that it will be possible to inform the Council at the next meeting that these resumed negotiations have been successful and that, consequently, the request for the setting-up of a second recognised Jewish community will not be pressed.

The country was visited by severe rainfall on the night of February 3rd-4th, which particularly affected the Nablus and Tulkarm districts. We regret to have to say that, notwithstanding many gallant efforts at rescue which were made, twenty lives were lost in the swollen wadis, whose waters swept down the foothills into the cultivated lands of the maritime plain. Nablus itself suffered very severely and a "bills of exchange" moratorium had to be declared for a few days. Grants were made for relief and loans for reconstruction and, in particular, for the restoration of denuded lands by free issues of fruit trees. Communications were interrupted by road and railway for some little time and one or two telegraph routes were destroyed, but the damage was quickly made good. Amman and the road between Es Salt and Allenby Bridge also suffered severely, and the Government of Trans-Jordan has been put to considerable expense in repairing the damage.

Sites have been selected in Haifa, Jaffa and Jerusalem for the construction of nine town schools in all, and the plans are well advanced for the commencement of construction. The plans and designs for the Government Trade School at Haifa are ready, and building will shortly be started. The school, which will provide Arab boys with urgently needed facilities for learning trades, is designed to accommodate, at first, 90 pupils (70 boarders and 20 day-boys); and the estimated cost of the building, to be defrayed from the proposed new Palestine loan, is £P43,500, including the provision of playing-fields and all necessary equipment.

As regards Trans-Jordan, the rains have been good and prospects of better crops are held out, so that there is reason to hope for improvement in the financial position of the Government of that territory.

Investigation of the possibilities of tapping underground sources of water continues, particularly in the area between the desert and the sown, and one bore has already been successful at Meshatta.

It is gratifying to record the continued maintenance of public security and good order in nomadic as well as in settled areas.

RELATIONS BETWEEN ARABS AND JEWS AND THEIR CO-OPERATION IN
THE ADMINISTRATION

OF THE TERRITORY: QUESTION OF THE ESTABLISHMENT OF A
LEGISLATIVE COUNCIL.

The CHAIRMAN thanked the accredited representative for his statement, which was of great interest to the Commission from a general point of view and from that of the economic situation. Nevertheless, apart from the reference on page 4 to the relations between Jews and Arabs, the report hardly touches upon the state of mind of the inhabitants of the territory, and the accredited representative had not mentioned it in his statement.

M. ORTS observed that the statement which Mr. Moody had just made confirmed the Commission's impression of the situation in Palestine--namely, that the Administration had shown considerable activity in developing the material prosperity of the country. Very remarkable results had been achieved; the financial situation was healthy and the economic situation very satisfactory as compared with that of most other countries. Nevertheless, as the Chairman had pointed out, no special emphasis was laid, either in the report or in the statement, on one very important matter--the political and moral situation of the territory. The reference on page 4 of the report, under the head of Public Security, did not convey a very encouraging picture of the situation from the point of view of the reconciliation of the two races, and their co-operation appeared to be making no progress. It might even be said that the situation in this respect was less satisfactory than ten years previously. He asked if the accredited representative could develop what was said in paragraph 9 (page 4) of the report and tell the Commission of any prospects there might be of a change in the permanently critical conditions which characterised the moral state of Palestine.

Mr. MOODY said that it was the aim of His Majesty's Government and the constant care of the High Commissioner to promote good relations between the various elements of the population.

One step which the High Commissioner had taken was that of associating unofficial members of various communities with Government officers on committees dealing with economic and administrative matters--that was to say, in those practical matters of business and farming where the interests of Palestine and of the various communities were identical and in which sensible men could work together. Under the

Municipal Corporations Ordinance, municipalities had been elected on which members of the various communities were working together harmoniously and usefully.

The situation described by the Chairman and M. Orts referred to a period of ten years. During that period, the Government had continually attempted to promote harmony between the various communities and would continue to do so in the future.

As stated in the report (paragraph 19, page 8), the High Commissioner intended, after he had had an opportunity of studying the working of the municipal corporations, to inaugurate discussions with the leaders of various parties regarding the proposals of Government for the establishment of a Legislative Council. M. Orts had asked what hope the Government had for the future in the matter of improving the moral and political situation in Palestine. The Government hoped that those discussions would lead to practical and useful results in a closer co-operation of the people of the country with the Government and with one another.

M. RAPPARD said that the matter was of fundamental importance and one in regard to which it was difficult to give very clear answers. It would be amazing if the Commission were to hear of a general fraternisation between the two races, each of which would rather have the whole of Palestine to itself. It was therefore not very surprising that animosity should exist. But there were certain points on which the Commission would find it interesting and perhaps helpful to have specific information. It might be regarded as generally true that a time of economic depression was a time of general unrest and discontent, and therefore a time of mutual bitterness. The state of Europe was characteristic in that respect. Palestine, on the contrary, was apparently on the crest of the wave; everyone was prosperous, and the Arabs, as well as the Jewish settlers, were enjoying a standard of living which they could not have dreamt of in other circumstances. His specific question was this: Had that prosperity had any effect on the mentality of the Arabs? They accepted the higher wages and were enjoying better conditions, but were there any signs that they were beginning to establish a causal relation between the influx of Jews and Jewish money and the improvement of their lot? Was there any diminution of the bitterness which they felt on non-economic and

purely political grounds? It seemed that, from the point of view of the average Arab, there was a conflict between his economic interests, which favoured Jewish immigration, and his political status, which must deplore it. Were there any signs pointing to the fact that economic considerations were making the masses of the Arabs more favourable to the carrying-out of the mandate in that respect?

Mr. MOODY said that he much appreciated the first part of M. Rappard's statement, which emphasised the difficulty of giving clear answers to general questions. He agreed with M. Rappard's remarks as to the difficulty of replying directly to the question whether any moral or political improvement was to be expected in the situation in Palestine as the result of financial and economic improvement. It was, of course, true that Palestine had made great economic and financial progress during the past ten years; it was equally true that the mass of the population had received from the Government benefits in the way of public services which they would not otherwise have received. But it was impossible to say that this or that class felt gratitude in consequence.

The annual reports of the Government had shown that, in spite of the satisfactory financial position, the great majority of the farmers were in a depressed condition. There was no doubt that the farmers of Palestine did appreciate the efforts of the Administration to improve their lot by relieving them of taxation and by assisting them to make their land more productive.

At the same time, it would be rash to assert that the Arab masses were becoming reconciled to Jewish settlement in Palestine as a result of such financial and economic benefits as might be accounted for by that settlement. Nevertheless, there were intelligent and enlightened individuals who appreciated the financial and economic benefits to be derived from Jewish settlement, and, consequently, it might be said that, to that extent, there had been some amelioration in the political and moral situation. Mr. Moody would hesitate to over-emphasise that point; gratitude was not a very common sentiment in politics.

M. RAPPARD said he was fully aware of the gravity of the problem and especially of the delicate character of the Commission's remarks. The mandatory Power and the Mandates

Commission were equally anxious to encourage good feeling in the territory, and any questions he might have to ask were inspired by a desire to promote that cause.

The report showed that there was a large and increasing number of Arabs in the employ of Jews, a situation explained by the fact that a shortage of Jewish labour existed and that Arabs were available and cheap. There was also an allusion to the fact--rather exceptional probably--that skilled Jews were in the employ of Arabs. That created an effective co-operation between the two races, since a workman working for an employer was co-operating with the latter whether he liked it or not. What kind of feelings did that generate? On the one hand, the Arab labourer had wages which he would not otherwise have obtained, and, on the other, to the Arab nationalist animus against the Jews might be added the social animus of the labourer against the employer. That might be an additional reason, for the Arabs, for disliking the increased immigration of Jews, since, in addition to the racial prejudice, there would be the natural syndicalist trade union feeling that, the fewer labourers there were, the higher the wages would be. It would be interesting to know how that economic co-operation affected the minds of those engaged in it, and whether perhaps the social conflict which seemed to be growing more acute between the labourers (the political left) and the Revisionists (the violent nationalists) was creating cross currents that could be canalised to favour the moral co-operation of the different elements of the population.

The accredited representative could perhaps give the Commission some idea of the effect of economic co-operation in Palestine on the human relations between the two races.

The CHAIRMAN had understood the accredited representative to say that there were certain enlightened Arabs who were satisfied with the policy of immigration. Were they influential people or did they include some of those who had been put into prison? (See page 6 of the report.)

Mr. MOODY thought that the Chairman had put the matter rather more definitely than he himself had stated it. What he had said was that certain enlightened individuals did appreciate the improvement in the economic situation which had been brought about by Jewish settlement. He had not suggested that those people cared for the policy of immigration.

Lord LUGARD observed that the Commission's discussions at Geneva had a double object. The primary object was, of course, to obtain information, but they also gave an opportunity to the accredited representative definitely to deny or to correct inaccurate or untrue statements in the Press.

He had before him an extract from a long and apparently well-informed article in *The Times* of February 27th, 1935, which stated that the proposal for a Legislative Assembly, which the Jews regarded as a danger to the Zionist cause so long as they were in the minority in Palestine, had been safely shelved, so that they had no anxiety on that score for the time being. In view of the High Commissioner's statement, reproduced on pages 7 and 8 of the report, that newspaper statement would appear to be entirely without foundation.

Mr. MOODY replied that the High Commissioner's statement, as reproduced in the annual report, was perfectly clear and still stood.

Lord LUGARD said that there was a second extract, from the *Palestine Post* of August 4th and 7th, 1934, which stated as follows:

"In spite of official assurance that self-governing institutions in Palestine would not be set up until the Government had had an opportunity of testing the functioning of the new municipalities . . . there were strong rumours in the country yesterday that the High Commissioner is about to take steps to form a new Advisory Council."

No reference was made to such a fact in the report; was there any truth in the statement?

The second extract from the *Palestine Post* gave the exact constitution of the proposed Advisory Council.

Mr. MOODY said that there was no truth in that statement. The situation was as described in the High Commissioner's statement in paragraph 19 (page 7) of the annual report.

Mlle. DANNEVIG observed that much importance was attached at the present day to the role of education. She understood that the Jews and the Arabs in Palestine were educated in

separate schools. Were steps taken by the Government to ensure that the teaching in those schools should not have the effect of increasing any feeling of animosity between Arabs and Jews? Much could be done to promote good feeling by supervising school text-books and by the teaching of civics.

It should be quite possible to show by means of education that a country had everything to gain by co-operation and that peaceful progress was hampered by feelings of animosity between the different elements of the population. She mentioned, as a practical instance of educational influence, the steps that had been taken to promote good feeling between Sweden and Norway by avoiding in historical school-books anything that might hurt the feelings of the other country. She enquired whether there was any Government supervision over school text-books in Palestine.

Mr. MOODY replied that the Jewish and the Arab systems of education were completely separate and that the education in both sets of schools was, as far as he knew, purely cultural and non-political. No direct attempt was made--and he thought any such attempt would be dangerous--to influence the minds of the children in Palestine in the matter of politics. The Government did its best to exclude from the schools any political question whatsoever.

The Arab public-school system was controlled by Government, who would not permit any statement to appear in Arab school text-books which would be likely to embitter the relations between two great peoples. This applied also to the text-books used in the Jewish public schools which were subject to Government inspection. As regards the teaching of civics, he believed that that subject was generally taken up at the secondary-school stage, whereas education in Palestine was mainly elementary.

M. MANCERON said that stress had rightly been laid on the economic improvement in the mandated territory. All things, however, were relative. That improvement probably implied also a rise in the cost of living, and it would be interesting to know if the standard of living--housing and food in particular--of the proletariat had actually risen.

Mr. MOODY said that there had clearly been a rise in the standard of living in Palestine since the Occupation, but that it was obvious from the annual reports that the great

mass of the farming population was in a depressed state. The rise in the standard of living affected mainly the population in the larger towns.

M. PALACIOS said that the report of the mandatory Power on Palestine was always read with great interest. That interest was further heightened by the other documents which the Commission received from official and non-official sources and by the petitions sent in, owing, on the one hand, to the capital importance of the work of inducing Arabs and Jews to collaborate and, on the other, to the difficulties of reconciling the two principles set forth in the mandate--namely, the establishment of a Jewish national home and the development in the country of self-governing institutions. There was every reason to believe--and the declarations of the accredited representative, notwithstanding certain optimistic passages, appeared to confirm that view--that the situation was far from satisfactory as regards the existence of a certain harmony in the relations between the various communities.

The Commission should, in his opinion, take note of Mr. Moody's declarations, which confirmed what was said in the report as to the mandatory Power's intention of instituting a Legislative Council in Palestine. He trusted that its efforts would prove entirely successful and offered his best wishes in that connection.

M. Palacios, speaking personally and reiterating what was said in the petitions for which he was Rapporteur, added that it would perhaps not be sufficient, with the aforesaid aim in view, to associate non-official persons with administrative officials or to set up municipal councils in a more or less autonomous form in a number of towns, though he regarded such methods as an excellent means of educating the inhabitants in the pursuit of a real, common and useful work. The institutions demanded by the Arab petitioners were those referred to in Article 2 of the mandate; but those same persons had not failed also to make demands with regard to the further development of the institutions referred to in Article 3.

Baron VAN ASBECK enquired whether in the municipal councils the Arabs and Jews co-operated, and whether the nationalist Arabs refused to co-operate. Did the votes given on the questions raised coincide with the racial groups, or were the opinions held founded on the merits of the questions?

There was a reference in the report (page 212) to the General Agricultural Council. Did the Jews and Arabs co-operate in that non-political sphere? If so, could the Commission conclude that, once outside the field of high politics--in the less favourable sense of that term--collaboration could be counted upon between the two main groups in the territory?

Mr. MOODY replied that there was very real and useful co-operation between Arabs and Jews on the municipal corporations and that the same applied to Arabs and Jews on the General Agricultural Council and its numerous committees. Questions were discussed on their merits and not merely on racial lines.

Baron VAN ASBECK enquired whether the Arab extremists had ever refused to enter the municipal councils and the General Agricultural Council, or whether they also were prepared to co-operate.

Mr. MOODY said that it was difficult to know in all cases what the political views of the councillors were, but, generally speaking, there had been no refusal by political parties to co-operate in municipal elections.

M. PALACIOS asked whether the death of Musa Kazem Pasha al Husseini, a leader of great prestige and influence, was likely to affect the political situation as regards the Arab populations.

The report referred (page 5) to certain differences of opinion between the Jews of the Labour Party and the Revisionists. Did that state of affairs impede or assist any rudimentary co-operation that might exist in the territory?

Mr. MOODY thought that the differences between the Jewish Labour Party and the Revisionists had not much effect on the general question of co-operation between Jews and Arabs.

Count DE PENHA GARCIA said that for years the Commission had realised the difficulties and complexities of the task undertaken by the mandatory Power, who had to cope with racial and religious factors which not only differed but were opposed the one to the other. It was held in some quarters that the mandatory Power was trying to square the

circle, while in others the impression prevailed that by fair and just administration it would succeed in its task. There had been considerable economic and even social progress, but it was impossible to say, from past experience, how far the territory could hope to enjoy in the future the necessary tranquillity.

Speaking as Rapporteur for the memorandum of the Jewish Agency, he enquired whether it was a fact, as stated in that document, that the part played by the Jews in the economic progress of the territory was very much greater than that of the Arabs.

Mr. MOODY replied that in trade and industry the Jewish role was the more important.

Count DE PENHA GARCIA asked whether, from the point of view of agriculture, the Jewish contribution was considered about equivalent to that of the Arabs; his own impression was that it was greater.

The CHAIRMAN said that he understood that the Jews had given a tremendous impetus to citrus-growing; their organisation (sales, exports, and so forth) appeared to be far superior to that of the Arabs from a commercial point of view.

Mr. MOODY said that the Jews had undoubtedly done a great deal to improve citrus-growing and had given a tremendous impetus to the industry. It should be remembered, however, that the Arabs had a large share in the industry which at the present time amounted to about a half. Arabs and Jews co-operated in the organisation of the industry and on various Government committees concerned with this subject.

As regards other forms of farming, the Jews had introduced modern equipment and methods, which had not been without effect on their Arab neighbours; but the number of Arabs engaged in farming largely exceeded the number of Jews.

Lord LUGARD asked whether the accredited representative could give the Commission a general impression as to whether the influence of the Revisionists and the extreme party was on the increase or the reverse, and whether it was a serious factor in the politics of Palestine.

Mr. MOODY said that the present tendency was towards an

improvement in the relations between the Revisionists and the Labour Party; their material attitude appeared to have become less extreme during the past year.

MUNICIPAL COUNCILS.

M. PALACIOS noted that the annual report contained certain information (page 26) concerning the elections to the new municipal councils which had been held in 1934 and which had formed the subject of an observation by the Mandates Commission at its twenty-fifth session.¹ It was stated in the report that, at the beginning of 1935, there were twenty new municipal councils. The Hebron and Beersheba elections had been declared null and void. Could the accredited representative inform the Commission whether the municipal elections had passed off without incident, or whether there had been any opposition and, if so, for what reasons? He asked whether the number of new municipal councils was still the same as at the beginning of 1935 and whether the Administration was, generally speaking, satisfied with the work of those councils.

Mr. MOODY said that, practically speaking, there had been no incidents in connection with the municipal elections. There had been petitions to the courts mainly in regard to malpractices. The number of municipalities was now one more than before the passing of the Municipal Corporations Ordinance. The principal new councils had been functioning since the beginning of the year and appeared to be working satisfactorily.

Baron VAN ASBECK noted that community rolls had been abolished (page 63 of the report); he enquired whether there was any system of proportional representation.

Mr. MOODY replied in the negative. In the larger towns, such as Jerusalem and Haifa, it was provided that the area might be divided into wards; one ward might be predominantly Jewish or Moslem, with a minority of the other communities.

The CHAIRMAN asked whether in those various assemblies, such as municipalities, the majority vote was generally a matter of race against race, or whether the majority consisted partly of Jews and partly of Arabs.

Mr. MOODY replied that voting was generally not by race but

by opinion.

Baron VAN ASBECK, referring to the provision for the representation of foreign communities (page 63 of the report), asked what exactly was meant by foreign communities and whether the High Commissioner had made use of his power of nomination.

Mr. MOODY replied that there were in Jerusalem and Haifa large British, German and other communities. The High Commissioner had not yet taken advantage of the provision in question.

He explained, further, in reply to Baron van Asbeck, that the "advisory members" appointed to sit on municipal committees (page 64 of the report) were Government officers of experience whose expert advice was of value in dealing with questions such as water, roads and finance.

M. RAPPARD, referring to the question of municipal rates (page 26 of the report), asked whether the "property rate on owners up to 10% of rateable value" referred to the rental value of the property and whether the "general rate on occupiers up to 15% of rateable value" was additional or alternative to the rate on owners.

Mr. MOODY replied to the first question in the affirmative and stated in regard to the second that at Jaffa, for example, a rate was levied on both owners and occupiers; at Jaffa the rates were, in point of fact, lower than the maximum named.

Mlle. DANNEVIG, referring to the decision of the Palestine Government that Tel Aviv should be empowered directly to manage its schools (page 24 of the report), enquired whether the municipal council paid for their upkeep.

Mr. MOODY said that the municipal corporation of Tel Aviv was by far the largest element in the Jewish community in Palestine and the number of schools in Tel Aviv was much greater than in any other Jewish locality. It was for that reason that the municipality of Tel Aviv had assumed the administrative control of its schools. At the same time, a certain control was still exercised by the Government through the Vaad Leumi. The municipality now paid for the upkeep of its own schools with the help of a small grant from the Vaad Leumi.

M. SAKENOBÉ asked whether the many small municipalities in Palestine were working smoothly and well and conscientiously. Did the Government find it necessary to interfere?

Mr. MOODY said that the smaller municipalities appeared to be working well so far. It was the aim of the High Commissioner to avoid interfering in the exercise by municipal corporations of the powers conferred upon them by the Ordinance.

M. SAKENOBÉ expressed his gratification and observed that in a certain neighbouring territory Government interference had been found necessary.

IMMIGRATION AND EMIGRATION.

M. RAPPARD referred to the question of immigration as a many-sided problem which presented three main aspects--namely, the economic absorptive capacity of the country, illegal immigration and the computation of immigration.

Provision, he noted (page 45 of the report), had now been made for the establishment of a Statistical Bureau of the Palestine Government with the object of enabling the Administration to obtain the relevant facts which would assist it in framing its policy. He trusted that that venture would be entirely successful, and would be interested to know just what hopes the Government based on it.

The present position was that there was a shortage of labour, so that the immediate absorptive capacity of the country was obviously exceptional. It would probably be unwise to lower the existing immigration barriers, since the present boom would almost inevitably be followed by a period of depression. He suggested that the Government would be wise to prepare plans for public works in anticipation of that future period, when its surplus revenue could be employed to provide work for surplus labour.

Mr. MOODY said that the principle of economic absorptive capacity could not be treated as a very exact concept. The Government's aim in establishing a Statistical Bureau was to obtain more precise facts relating to agriculture and

industry, in order to assist the High Commissioner in forming his six-monthly estimate. Caution was clearly essential in this matter and the fact that the High Commissioner took long views determined his decision in fixing the labour immigration quotas. As regards M. Rappard's last point, it was with a view to the future that a reserve fund was being built up in Palestine.

M. RAPPARD, referring to the issue of immigration certificates applied for by the Jewish Agency for the period October 1934 to March 1935, noted that a reduction had been made of "2,200 on account of illegal settlers who might enter the labour market during that period" (page 28 of the report). That appeared almost as if the Government were sanctioning some such illegal action. The analogy, if applied to taxation, would certainly encourage fiscal evasion.

Mr. MOODY replied that the Government's defence was a practical rather than a logical one. Illegal immigration was taking place--though at a lower rate--and the Government was taking steps to prevent it. Calculations were based on the illegal immigration which had actually occurred during the previous six-monthly period and a corresponding deduction was made in the number of certificates to be granted. It had recently been decided that, if later it should be found that the actual illegal immigration was lower than the estimate, the necessary adjustment would be made in the following period.

M. RAPPARD felt that the smuggling of immigrants into Palestine by Arabs must create bitterness among the Jews. He was surprised that there was no reference to the subject in the High Commissioner's statement to the Arab Executive reproduced on pages 10 and 11 of the report.

He asked whether it was generally known that immigration was limited both for Jews and for non-Jews.

Mr. MOODY said that the fact of limitation was generally known. He pointed out that there was not necessarily a fixed relation between illegal immigration and the number of deportations for that offence. Jews who might have entered Palestine illegally were not easy to distinguish, whereas Arabs from Trans-Jordan, for example, were quickly detected and could thus be apprehended. Arabs from Trans-Jordan had the right to enter Palestine without passports

but not to settle there. Similarly, under the Bon Voisinage Agreements with Syria, certain Arabs from that country could enter Palestine without passports--and did so more particularly for seasonal purposes--but they, again, were not entitled to settle. As a result of those facilities, the Arabs did not feel the limitation of immigration to the same extent as the Jews.

He pointed out, further, in reply to M. Rappard and the Chairman, that the Immigration Ordinance did not deal with Jews or Arabs as such. Any persons desirous of settling in Palestine must comply with the provisions of the Ordinance in the matter of property and other requirements.

Count DE PENHA GARCIA observed that there had been a considerable immigration of labour from Egypt, Syria and Trans-Jordan and asked whether, in view of that fact, it would not have been possible to extend the immigration of Jews. His question, he explained, had been put from the point of view of the Jewish National Home and the Jewish Agency.

Mr. MOODY replied that, in point of fact, no great immigration had been allowed from Egypt, Syria or Trans-Jordan.

Lord LUGARD referred to the statement in the report (page 41) that "of the immigrants entering Palestine under the Labour Schedule more than half have had at least one year's training abroad for life in Palestine". He asked in what countries those training camps were situated, by whom they were financed and how long the system had been in operation.

He noted that the average of Jewish immigration was nearly 50,000 a year, and enquired what steps were taken to lodge and feed immigrants on first arrival.

Mr. MOODY replied that the training camps were situated mainly in Poland and other parts of Eastern Europe, which furnished the greater part of the immigrants; they were financed by the Jewish Agency. The scheme had, he thought, been in existence for some years.

Held on Wednesday, June 5th, 1935, at 3.45 p.m.

Palestine and Trans-Jordan: Examination of the Annual Report for 1934 (continuation).

Mr. Moody and Mr. Downie came to the table of the Commission.

IMMIGRATION AND EMIGRATION (*continuation*): QUESTION OF THE
COMPATIBILITY OF THE
IMMIGRATION ORDINANCE 1933 WITH ARTICLE 6 OF THE MANDATE:
DIVISION OF LABOUR
BETWEEN ARABS AND JEWS.

Mr. MOODY, reverting to the question of the status of illegal non-Jewish immigrants, said that the Immigration Ordinance did not provide specifically for the immigration of Jews, but for the immigration of foreigners. It was true that the vast majority of the Labour immigration certificates were given to the Jewish Agency, but a few were retained by the Commissioner for Immigration, who could, on the application of an employer, give permission to anybody--Jew, Arab or foreigner--to immigrate.

M. RAPPARD suggested that most of the non-Jewish illicit immigrants were probably Arabs entering without a certificate.

Mr. MOODY replied in the affirmative, adding that the number could not be great.

M. RAPPARD felt bound to repeat a remark he had made in the previous year.^{2/} To him it seemed a strange proceeding to declare a certain category of immigration to be illegal, and at the same time to allow for its inevitability by deducting in advance a certain number of permits for illegal immigrations. Why was it not possible to reduce the yearly contingent in proportion to the amount of illegal immigration in the previous period?

M. ORTS observed that the Commission at its twenty-sixth session ^{3/} had had to discuss, in the absence of the accredited representative of the mandatory Power, a petition from the "Brit Kibbutz Galuiot" (Union of

Returning Exiles). His report on this petition would be found as an annex to the Minutes of that session.3/

The petitioners, arguing that Article 6 of the mandate implied that Jewish immigration should be granted certain privileged facilities as compared with other immigration, claimed that the Immigration Ordinance of 1933 was irreconcilable with the mandate, because it did not grant any special facilities to Jewish immigration. On the contrary, the effect of this Ordinance was, the petitioners alleged, to facilitate the free entry into Palestine of Arabs coming from the neighbouring countries, so that the obligation under the mandate to refrain from any action likely to affect adversely the rights and position of other groups of the population was only, as a matter of fact, observed in order to restrict Jewish immigration alone. He would be glad to ascertain the views of the accredited representative with regard to these arguments.

Mr. MOODY said that, in the first place, the Immigration Ordinance of 1933 contained nothing essentially new. It was really little more than a consolidation of the previous Ordinances of 1925 and 1926. In the drafting of the original Ordinance, the Jewish Agency had been fully consulted and its views had been given due consideration with a view to establishing an immigration system calculated to facilitate Jewish immigration, within the limits imposed by the absorptive capacity of the country. The special facilities accorded to Trans-Jordanians were not "immigration" facilities. In the matter of immigration, Trans-Jordanians were subject to the same restrictions as anyone else. They were, however, allowed to visit Palestine temporarily without passports.

M. ORTS wondered whether the free admission of Trans-Jordanians into Palestine did not lead to abuses, since it was a fact that a certain number of Trans-Jordanians remained in the country. He wished to ask whether the Palestine Government could be certain that Arabs entering Palestine through Trans-Jordan (and these need not necessarily be Trans-Jordanian Arabs) did not avail themselves of the privilege accorded to the Trans-Jordanians in order to settle down in Palestine. The Commission had been assured by another accredited representative 4/ that this was not the case, but he would like to hear that assurance confirmed. There was a considerable amount of passion in both camps, so that a

final elucidation of the question would be valuable.

Mr. MOODY said the Administration did not think that there was any very serious problem resulting from the infiltration of Arabs into Palestine from or through Trans-Jordan, or any settlement on a large scale that would adversely affect the policy of the mandatory Government.

Lord LUGARD said that *La Syrie* had published, on August 12th, 1934, an interview with Tewfik Bey El-Huriani, Governor of the Hauran, who said that in the last few months from 30,000 to 36,000 Hauranese had entered Palestine and settled there. The accredited representative would note the Governor's statement that these Hauranese had actually "settled".

M. ORTS said that the Governor had not said that these people had entered *via* Trans-Jordan; that allegation was made in Jewish circles. His declaration, however, had caused some excitement among the Jews, who saw in it a proof that the mandatory Power was closing its eyes to the entry of Hauranese, while it severely punished illicit Jewish immigration.

Mr. MOODY expressed the view that the statement of the Governor of the Hauran was a gross exaggeration.

M. ORTS did not know how much value could be attached to the statement, but the statement itself was quite definite. The Governor even referred to the large sums remitted by these immigrants to their families, who remained in the Hauran.

Mr. MOODY said he had read the article in question. As he had said, he thought that the figures must be grossly exaggerated, because the Palestine Government had taken special measures on the eastern and north-eastern frontier with a view to keeping out undesirable people.

M. ORTS would be glad if the accredited representative could tell him whether the Palestine Government admitted the basic thesis in the petition of the "Brit Kibbutz Galuiot", that, under Article 6 of the mandate, it was the duty of the mandatory Power to provide special facilities for the immigration of Jews.

Mr. MOODY replied in the affirmative. He added that an

answer had been given to this question several years previously in a White Paper published in 1922, of which copies had been communicated to the Commission and to the Council of the League of Nations. The Immigration Ordinance had, in fact, been framed in accordance with the mandatory obligation of facilitating the development of a national home for the Jews, subject to safeguarding the rights and position of the non-Jewish inhabitants of Palestine.

Count DE PENHA GARCIA observed that, while it might be difficult at present to apply Article 6 literally, the contents of that article were a most important matter, because they governed the future relations between Jews and Arabs. The present situation, however, was the following: In actual practice, two mandates were being applied, one to Palestine and the other to Trans-Jordan, the latter being comprised in the former; but while Trans-Jordanians might go freely into Palestine, Jews were not allowed to settle in Trans-Jordan. There could be no doubt that quite a large number of Trans-Jordanians did settle in Palestine--this fact was even admitted in paragraph 36, page 110, of the report for 1934. As Arabs entering Palestine from Trans-Jordan did not require passports, this element of immigration could not be properly gauged by the Mandates Commission. He therefore wished to draw the attention of the mandatory Power to this point and would be glad if the next report could include some statement as to the number of Trans-Jordanians who entered the country and left after seasonal work was done. Would it be possible for the mandatory Power to supply these statistics in view of the present system?

Mr. MOODY replied that, although Trans-Jordanians might enter the country without passports, that did not mean that they could enter unchecked. The police and Customs posts along the frontier kept careful check of the Trans-Jordanians who thus entered Palestine. He would note Count de Penha Garcia's request and would submit to the Government the question whether it might be possible to meet his wishes in this matter.

Count DE PENHA GARCIA said that, of course, if and when Jews were allowed to settle in Trans-Jordan freely, these figures would be of no further interest.

Mr. MOODY said that Jews could enter Trans-Jordan subject to the same conditions as applied to all other foreigners.

Lord LUGARD, referring to the Jewish complaint that the labour schedule was inadequate, said that, in the previous year,⁵ he had raised the question as to what assurance the Government had that all the persons entered on the labour schedule were *bona fide* labourers. Mr. Hall had replied that, although the Jewish Agency guaranteed to maintain immigrants for one year, it did not undertake to find employment for them, and it was possible for the Jewish Agency to include professional men in the labour schedule. Could the mandatory Power devise no remedy for this situation, which was one of the causes of the complaints of shortage of labour?

Mr. MOODY replied that it had always been the policy of the mandatory Power to allow the Jewish Agency to select immigrants under the labour schedule. It would be very difficult for the Administration itself to undertake the selection of Jewish labour immigrants throughout the world. Lord Lugard's suggestion would be brought to the notice of the Administration and due consideration would be given to it.

Lord LUGARD did not intend to suggest that the Government could possibly itself select the immigrants. He suggested that the Administration might perhaps bring to the notice of the Jewish Agency some specific cases in which persons who had entered the country under the labour schedule were now practising as doctors, solicitors, etc., with a view to a more careful scrutiny of the list by the Agency.

Mr. MOODY replied that the High Commissioner was constantly bringing to the notice of the Jewish Agency the need for a proper and careful selection of labour immigrants, and he had no doubt would continue to do so.

Lord LUGARD referred to a statement in *The Times* to the effect that the French authorities were prepared to allow a number of Jews to settle in Lebanon, provided they renounced all Zionist tendencies and took up their residence away from the frontier. Was this fact known in Palestine and had it aroused interest?

Mr. MOODY did not know whether the statement was true or not. He did not think it had aroused interest in Palestine; but an attempt would be made to ascertain the facts for the next annual report.

M. RAPPARD said that, as the Commission would have to study the question of the compatibility of the 1933 Immigration Ordinance with Article 6 of the mandate, he would be grateful if the accredited representative could set out all the arguments in favour of its compatibility. He understood three of these arguments to be:

(1) That the Ordinance contained nothing new, but was merely a consolidation of previous regulations. He would be glad to know, however, what changes had been made.

(2) The Ordinance was in conformity with the views of the Jewish Agency. This fact, though interesting, was of little account from a juridical standpoint, because, supposing the Jewish Agency agreed--as was not probable--to a violation of the mandate, the Mandates Commission would have to defend that mandate, even against the views of the Jewish Agency.

(3) The large Jewish immigration showed that the obligations under Article 6 of the mandate were, in fact, being carried out. Such immigration was not, however, due to any particular action on the part of the mandatory Power, which had merely canalised those forces from outside that stimulated immigration.

Mr. DOWNIE said that the question whether Article 6 of the mandate meant that the Government should pass an immigration law giving *special* facilities to Jews involved also the question whether such a law would not be contrary to other articles in the mandate which prohibited discrimination. His Majesty's Government had approved an Immigration Ordinance which accorded the same treatment to all foreigners; and it was to be inferred that the opinion of His Majesty's Government was that Article 6 did not imply the granting of special treatment to Jews as against others, but only meant that a law should be passed providing reasonably easy facilities for Jews to enter the country.

It had already been explained that the Immigration Ordinance did not, as implied in the petition, give special facilities for the immigration of Trans-Jordanians. A similar point had been raised some years previously 6/ with regard to the Palestine Citizenship Order-in-Council, and His Majesty's Government had taken the view that the

relevant provision of the mandate required no more than that facilities should be afforded for acquiring Palestinian citizenship on reasonably easy terms.

In reply to M. Rappard's first question, he referred to page 38 of the 1933 report, where a summary was given of the new provisions introduced in the Immigration Ordinance and Regulations of 1933.

M. SAKENOBE, referring to the table on page 36 of the report for 1934, observed that there were no Trans-Jordanians among the number of immigrants registered.

Mr. MOODY replied that the explanation must be that there had been no immigrants from Trans-Jordan.

M. ORTS pointed out that, when he had asked whether the accredited representative considered that Article 6 of the mandate meant that Jews should be accorded special facilities for immigrating, Mr. Moody had replied in the affirmative. From Mr. Downie's statement, it would now seem that the reply was in the negative. If all were to be treated on the same footing, why did the preamble to the mandate lay special emphasis on the reconstruction of the Jewish National Home as one of the aims of the mandate, and what was the meaning of the provisions of the mandate which referred to Jewish immigration (and not to any other immigration), expressly stating that such immigration should be "facilitated" and the "intensive" settlement of the Jews encouraged?

Mr. MOODY said that the two replies had been given to two different questions: the contradiction between them was only apparent. It was not the policy of His Majesty's Government to institute discriminatory treatment in favour of the Jews. If he had understood M. Orts to ask whether he thought that the mandatory Power was bound, under the mandate, to institute a discriminatory policy for the purpose of facilitating the entry of Jews into the country, his reply would have been in the negative. The Immigration Ordinance did not afford discriminatory privileges to Jews, but it did, in practice, give effect to the terms of Article 6 by assisting Jews to settle in the country.

M. ORTS asked whether foreigners--for instance, British subjects--could settle in Trans-Jordan. He had raised this question in the previous year.7/

Mr. MOODY replied that, from the point of view of Trans-Jordan, British subjects were foreigners, and all foreigners were treated in the same way. No foreigner could settle in Trans-Jordan without the permission of the Trans-Jordan Government.

M. ORTS had admitted that this rule might be defended, in principle, on the ground of the preponderating need to maintain public order. But did it not amount, in practice, to prohibiting nationals of countries Members of the League of Nations from settling in a country administered under a League mandate? Was such permission ever granted in practice?

Mr. MOODY said that there were a number of foreigners settled in Trans-Jordan--for instance, there were certain Italian doctors.

M. ORTS concluded, therefore, that there was one general reason for exclusion--namely, religion. That was a very difficult rule to defend.

M. RAPPARD suggested that the situation was really as follows: while the principle was recognised that all nationals of States Members of the League might settle in Trans-Jordan subject to the permission of the authorities, such permission was dependent on considerations of public policy. Considerations of public policy made it undesirable, for the moment, to allow Jews to settle in the country.

Mr. MOODY said he was obliged to M. Rappard for this definition, but preferred to adhere to the statement on this subject made by Mr. Hall in the previous year.8/

M. RAPPARD said he had been told that certain Jews had asked for permission to buy land in Trans-Jordan, and that the Trans-Jordan Government would have complied with their request if His Majesty's Government had not opposed the purchase on grounds of public policy.

LAND TENURE.

Baron VAN ASBECK, referring to the statement on page 45 of the report, "Land Regime", paragraph 1, "62,114 dunums of land, in all, were purchased by Jews from non-Jews during

1934", and to the statement on page 57 of the report, "Development", paragraphs 31 to 33, that "a total area of 17,868 dunums of land . . . has now been acquired . . . for the purpose of re-settling 'landless' Arabs", but that "only eleven new claims were submitted during 1934", asked what were the reasons for so few applications. Did the large purchases by Jews from non-Jews tend to create "landless" Arabs?

Mr. MOODY replied that the term "landless" Arabs had a particular meaning. In the first place, landowners who sold their land did not become "landless" in the sense of the report. "Landless" Arabs were not owners but tenants who had been dispossessed as a result of transfer of ownership.

M. RAPPARD referred to a statement on page 5, paragraph 11, of the report, to the effect that trespass (by Arabs) upon lands in Jewish ownership was a prevalent method of obstructing the sale of lands to Jews. This sentence seemed to be obscure. How could sale be "obstructed" by "trespass"?

Mr. MOODY admitted that this sentence was not quite clear. What was probably meant was that Arabs trespassed on Jewish lands with a view to creating difficulties in obtaining vacant possession of land, and so discouraging purchase.

M. ORTS, referring to pages 75 *et seq.* of the report, noted that about 15,000 dunums of the "Huleh concession" domain would be reserved for the Arabs. Had this undertaking been welcomed by the population? Apparently it had not satisfied anybody.

Mr. MOODY said that the facts were as stated in the report. Members of the Arab Executive had visited the High Commissioner and had complained of the transfer of the concession from Arab to Jewish hands. The High Commissioner's reply was recorded in the report (page 10). The Arabs actually concerned--namely, the cultivators in the Huleh region--were satisfied with the arrangement.

Lord LUGARD said he had heard that there had been objections to the Huleh concessions on the part of the Lebanese. Were these objections serious?

Mr. MOODY replied that he had not heard of these objections.

Baron VAN ASBECK, reverting to the sale of some 62,000 dunums of land to Jews by non-Jews, presumed that these non-Jews were mainly Arabs.

Mr. MOODY replied in the affirmative.

With reference to a further question by Baron van Asbeck, Mr. Moody did not think that these sales tended to create "landless" Arabs, because Arab tenants were protected by the Protection of Cultivators Ordinance.

Baron VAN ASBECK noted the statement on page 58 of the report that a number of Arabs had come into the towns to seek employment. This was, of course, only a provisional solution, because if, later on, the economic situation became less satisfactory, these Arabs might be left stranded.

Mr. MOODY agreed, and said that this was one of the reasons why the Government was pursuing a cautious immigration policy.

Baron VAN ASBECK, referring to the experiment of settling the northern section of the Wadi Hawarith Arabs on State lands (paragraph 34, page 57 of the report), asked whether this experiment had been a success.

Mr. MOODY replied that, according to the latest information, the experiment was proving successful.

M. SAKENOBE, referring to the Tenants' Protection Ordinance 1934 (page 285 of the report), asked whether this Ordinance was working satisfactorily. He had wondered whether the provisions of this Ordinance might tend to make landowners hesitate to conclude new contracts with tenants, the result being gradually to decrease the number of tenants and create a class of agricultural labourers, which would be a retrograde process.

Mr. MOODY replied that this Ordinance was not popular with landlords, but had had a considerable effect in protecting tenants.

M. SAKENOBE said that, on February 26th, 1935, a member of the United Kingdom Parliament had asked for information regarding the circumstances in which certain Zubeidat Arabs

had recently been evicted by force from their lands, and an Arab had been killed. The Colonial Secretary, in his reply, had said that the rights of these lands had passed to the Palestine Land Development Company by a decision of the courts, but that the Arabs had resisted the taking of possession. Had the Arabs received any compensation in the form of the granting of fresh lands?

Mr. MOODY replied that he did not remember all the details of this case, but the appropriate judicial authority had decided that the Arabs in question were not eligible under the Protection of Cultivators Ordinance. He would see that full details were given in the next report.

Lord LUGARD, referring to the statement in paragraph 6 on page 23 of the report, to the effect that "Jewish purchases of land have now extended to the south of Palestine", asked how much of the southern area was suitable for colonisation. In what directions was colonisation being extended south of Beersheba?

Mr. MOODY said that Jews had made certain purchases in the Beersheba sub-district. At the present time, it was impossible to say whether this area, as a whole, was suitable for colonisation or not. Investigations were being conducted to ascertain what water supplies were available. Borings were about to be made in the Beersheba area. One bore had already been sunk in the Wadi between Beersheba and Gaza. Jews were now exploring the possibilities of settling the Beersheba area, which was at present almost uncultivated. Its development depended upon the discovery of water. He believed that experiments were being made with the sowing of drought-resisting wheats and the castor-oil plant.

Lord LUGARD observed that the population of Palestine was given (on page 190 of the report) as 1,104,600, of which the Jews were "almost 300,000" (page 23)--viz., about 27 1/4%. The total land was stated (page 53) to be 13,641,000 dunums, of which 6,506,000 was forest or uncultivable, leaving (in round figures) about 7,100,000 dunums for cultivation by the inhabitants. It would be of interest to know what proportion of this land was now owned by the Jews in relation to their numbers.

Mr. MOODY had not studied this question in detail. He would

hesitate to give an opinion off-hand, because the quality of the land had to be considered as well as the quantity.

MAP OF THE TERRITORY.

Lord LUGARD asked whether an up-to-date map could be supplied to the Commission. Too large a scale was inconvenient to consult at the session, and he suggested that the "Motor Map" 1: 500,000 would be the more useful (page 56, paragraph 29, of the report).

Mr. MOODY took note of this wish.

REVISED EDITION OF THE LAWS OF PALESTINE.

Lord LUGARD also asked when the Commission might expect to receive the revised edition of the Laws of Palestine (page 65 of the report).

Mr. MOODY took note of this wish.

QUESTION OF A PALESTINE FLAG.

M. ORTS referred to an article entitled "A Curious Incident" published in an Egyptian newspaper on October 6th, 1934. This article alleged that a Japanese vessel, on entering the port of Haifa, had refused to hoist the British flag, in spite of the insistence of the local authorities. The Captain, it was said, had maintained this attitude during the eight days he remained in port on the ground that Palestine as a mandated territory could not be regarded as British. The article said, that although Syria, Lebanon and Iraq--even before her emancipation--had possessed national flags, there was no national Palestinian flag, doubtless because it would be difficult to obtain the acceptance, by both Jews and Arabs, of a single flag. The problem seemed to have been solved by keeping to the British flag, allowing the Jews to use the Zionist emblem and the Arabs their own banners.

Mr. MOODY knew nothing about this incident nor whether the statement were true. He would prefer to endeavour to obtain the facts before attempting to reply to the suggestion contained in the above report.

M. ORTS said that the incident was unimportant in itself, but it raised the question whether Palestine ought not to

have a national flag.

Mr. DOWNIE replied that there was an official Palestine flag for shipping purposes. This was a red ensign "defaced" with the word "Palestine" in a circle. The question of an emblem to replace the word "Palestine" on this flag was under consideration.

Count DE PENHA GARCIA said that the question of a Palestinian flag must surely have already arisen, because Palestinians had recently bought some German ships. When the German flag had been lowered, surely some other flag must have been hoisted in its place. In this case, could the accredited representative state whether the ordinary international rules concerning flags and the transfer of nationality of vessels had been complied with?

Mr. DOWNIE said he had seen references in the Press to a Zionist flag. That flag had no official status.

The CHAIRMAN suggested that certainly the case referred to by Count de Penha Garcia could be no mystery, because the vessels in question had landed a large number of immigrants at Haifa. Mention had also been made of an incident at Alexandria, where the authorities were reported to have refused permission to these vessels to enter port.

Mr. MOODY said that he would endeavour to ascertain the facts concerning this incident, which would be communicated to the Commission later.

NATURALISATION.

M. SAKENOBE noted that, although the Palestinian Government encouraged naturalisation, the number of naturalisations in the past few years had not been very large. Was there any particular reason for which Jews were reluctant to seek Palestinian citizenship?

Mr. MOODY said he did not know of any reason.

M. SAKENOBE asked whether, when a person acquired Palestinian nationality, it was a condition that he should forfeit his former nationality in order to avoid double nationality?

Mr. MOODY said that this question depended on the national

law of the country from which the person came. It did not depend upon Palestinian law at all.

M. SAKENOBE said that there must therefore be many cases of double nationality. Was Palestinian nationality acquired by birth? If so, could the person opt when he came of age as to whether he would retain Palestinian nationality or revert to the original nationality of his parents?

Mr. MOODY said that Palestinian citizenship was acquired by birth, but he could not reply to the other question off-hand. He would see that this question was answered in the next report.

PASSPORT REGIME : PROTECTION OF PILGRIMS.

M. PALACIOS said that, according to the annual report (page 62), the new Passport Ordinance 1934 had become law and superseded the Passport Ordinance 1925. Could the accredited representative inform the Commission what was the purpose of the new Ordinance?

Mr. MOODY thought it was mainly of administrative importance, but promised further information in the next report.

M. PALACIOS, referring to paragraph 14 on the same page, asked what were the arrangements that had been made with the Trans-Jordan Government for the reciprocal granting of passport services.

Mr. MOODY said that this applied to visas.

M. PALACIOS observed that it was stated on the same page, paragraph 15, that a notice to Palestinian citizens who intended to proceed to the Hejaz on pilgrimage had been prepared for issue. It was added that the purpose of the notice was to reduce, as far as possible, the amount expended by the Government in the repatriation of pilgrims who became destitute while on pilgrimage.

Could the accredited representative say what were the difficulties that had occurred and had rendered such a measure necessary; how many pilgrims were unable to leave the Hejaz?

Mr. MOODY replied that the Government had experienced some

trouble in the past, but that now the number of cases had been greatly reduced.

JUDICIAL ORGANISATION.

Baron VAN ASBECK noticed that the collection of Palestine laws for 1934 contained a law on the Defamation of Princes. This was an odd title. Had this law been enacted for any special reason?

Mr. MOODY said that it was based on colonial legislation elsewhere, in order to counteract certain tendencies in the Press to abuse distinguished personalities. There had, for instance, been attacks on the German Chancellor, the Emir Abdullah, and King Feisal. It was desirable to have legal powers to prosecute newspapers for such offences.

Baron VAN ASBECK asked whether the Usurious Loans Ordinance was intended to protect borrowers.

Mr. MOODY replied in the affirmative.

Baron VAN ASBECK asked whether, if lenders insisted on a high rate of interest, on account of the fact that the borrower's security was slight, the lender would be brought before the courts.

Mr. MOODY replied that the legal limit for interest was 9%.

Baron VAN ASBECK, referring to paragraph 17 on page 69 of the report, noted that, of death sentences confirmed, eight had been carried out. For what crimes was the death penalty imposed in Palestine?

Mr. MOODY replied that the death penalty was only applied in the case of murder with premeditation. The High Commissioner possessed the prerogative of pardon, which he exercised personally. The royal prerogative of pardon had been delegated to the High Commissioner.

Baron VAN ASBECK, referring to paragraph 15 on the same page, noted that there were still 760 cases pending in the Land Courts on December 31st. In the previous year, there had been 729 similar cases pending. Had no measures been taken to decrease this number?

Mr. MOODY replied that it was hoped that the reorganisation

of the courts would expedite procedure, but land cases were particularly difficult in Palestine and took a long time to decide.

Baron VAN ASBECK, referring to the Special Tribunal (paragraph 19 on page 70), noted that no cases were entered, but one case was pending at the close of the year. Surely it was very unfortunate to have a case pending for so long.

Mr. MOODY noted Baron van Asbeck's observation, but had no detailed information on the subject.

Baron VAN ASBECK, referring to page 7, paragraph 16, noted that while some newspapers had been prosecuted for publishing false news, others had been suspended. Was the Administration, in general, more inclined to sue than to suspend?

Mr. MOODY replied that, under the Press Ordinance, the High Commissioner had power to suspend a newspaper if it published news likely to endanger public peace. The object of this was to enable the High Commissioner to take immediate action without the delay which would be involved by obtaining a decision of the courts.

Baron VAN ASBECK asked whether newspapers could not be provisionally suspended pending a decision of the courts.

Mr. MOODY replied that the law did not provide for this.

Lord LUGARD noted (page 71, paragraph 24, "Probation") that, while some 640 boys were undergoing reformatory treatment, there was only one reformatory in the country. Were Jews and Arabs confined together or arranged in different sections?

Mr. MOODY replied that there was only one Government reformatory, in which the boys were mainly Arabs. There were very few Jews in it.

MARRIAGE.

Lord LUGARD read an extract from the *Paris Temps* to the effect that Arabs went from Palestine to Cyprus to buy wives, and Turkish families sold their girls for sums ranging from 1,500 to 7,500 francs.

Mr. MOODY said it was quite true that Palestine Arabs went to get wives from the Moslem population in Cyprus. These marriages were strictly controlled by the authorities. The applicant had to be in possession of a certificate issued by the Palestine qadi of his district certifying to his good character and to the fact that he was in a position to support a wife. The amount paid was not purchase money, but rather the inverse of the dowry system that still existed in some parts of Europe.

Mlle. DANNEVIG asked whether these women were willing parties and what was their average age. She understood that the men went to Cyprus personally to fetch their wives.

Mr. MOODY said that the Cyprus authorities kept very careful watch on these transactions. If any girl was unwilling to leave the island, the authorities saw that no force was applied. The age of marriage of Moslem girls was governed by the personal law of the Moslems concerned.

Mlle. DANNEVIG, referring to Section 15, "Child Marriage", on page 150, was sorry to note that the authorities allowed a derogation to the offence of marrying, celebrating, or in any capacity assisting at the celebration of the marriage of a female under the age of 14 years completed. This derogation was that, subject to the laws of guardianship, the marriage took place with the consent of any living parent or guardians of the female, and that at the time of the marriage the female had reached puberty and that no physical ill-effects to the female would follow the consummation of the marriage. Why had such an addition been made to the law raising the marriage age of girls to 14 years? How could it be controlled so that there were no ill-effects?

Mr. MOODY suggested that the reasons for this decision were fully explained in paragraphs 16 to 19 of the same section.

Mlle. DANNEVIG could not agree that these explanations were sufficient. Was it actually claimed by a section of the population that parents should have the right to marry their daughters before those daughters could have any say in the matter? She supposed that these rules were inserted to meet the desires of a certain section of the population.

Mr. MOODY said it was not the view of the Administration

that this derogation would facilitate the marriage of girls under 14. It must be remembered that the authorities had been faced with a very difficult task. They had had to frame a single law that would take into consideration the customs of Moslems, Jews and Christians alike. In order that this law might be accepted by Moslems, it had to be consistent with the Sharia law, which admitted the derogation to which Mlle. Dannevig took such exception. A reform on the lines suggested by Mlle. Dannevig could only be brought about gradually. Moreover, the Palestinian Order-in-Council had laid down that cases relating to personal status should be decided in the various religious courts according to the religious law of the religious communities recognised at the time of the passing of that Order-in-Council.

ECONOMIC EQUALITY.

M. SAKENOBE, referring to the second sentence of paragraph 7 on page 29, asked whether the construction of pumping stations and reservoirs formed part of the general scheme for supplying Jerusalem with water. Had this work been awarded by public tender?

Mr. MOODY replied that this work was part of the general scheme and that it was the general practice of the Administration to offer all contracts for public tender.

M. ORTS asked whether Japan, since her withdrawal from the League, had continued to enjoy economic equality as regarded her imports into Palestine.

Mr. MOODY replied in the affirmative.

M. ORTS asked whether this arrangement had been maintained in the interest of the territory or for other reasons.

Mr. MOODY said that he would prefer not to reply on this point until he had been able to consider the matter.

TAXATION.

Lord LUGARD asked the accredited representative whether the fixed tax imposed by the Rural Property Ordinance (page 80 of the report) was intended to be a permanent settlement and whether he considered it suitable to a country in a state of transition.

Mr. MOODY replied that this tax was intended to be permanent, though the categories of land and the rates of tax would be subject to modification, if necessary, after three, and then after five, years.

Lord LUGARD noted that this latter fact was not stated in the report. He was glad to hear that there would be periodical revision since, a permanent and fixed land and produce tax had not proved satisfactory elsewhere. He asked, with reference to paragraph 28 on page 80, how, if zones were free, they could be under control of the Customs.

Mr. MOODY replied that he assumed there must be some sort of supervision. The Customs Department were responsible at present for the administration of the harbour.

IMPORTS AND EXPORTS: TRADE.

M. MANCERON noted that Palestinian imports had risen from about 11 millions in 1933 to about 15 millions in 1934. In the same period, exports had risen from about 4 millions to 4 1/2 millions (page 201 of the report). What invisible exports could account for this large divergence between 15 millions on the one hand and 4 1/2 millions on the other?

Mr. MOODY replied that there were several factors to account for the invisible exports; first, there was the expenditure of the mandatory Power on military establishments; second, tourists brought considerable sums of money into the country; third, money was sent to relatives by Jews living outside Palestine; and fourth, the many Christian and Jewish religious institutions in Palestine were in receipt of very considerable subsidies from abroad.

M. MANCERON asked whether the situation caused any anxiety to the Government.

Mr. MOODY replied that it did not cause any anxiety in present circumstances.

M. RAPPARD asked whether the next report could contain a full explanation of the economic situation. Such an explanation would be very helpful in giving the members of the Commission a complete picture of the economic position

of the country.

With regard to commercial policy, he noted that economic equality was ensured and that no discrimination was made in the tariffs. Had Palestine adopted any system of quotas?

Mr. MOODY replied that the next report would contain the information M. Rappard desired.

The Palestinian authorities had not adopted a system of quotas, though they were willing to consider any steps which might improve the economic position of Palestine by promoting exports, subject to the conditions laid down in Article 18 of the mandate and to the international obligations of His Majesty's Government.

M. RAPPARD had merely mentioned this question because the quota system had been resorted to by many countries as protection against flooding with cheap Japanese goods. The application of a differential quota to any Member of the League would, of course, be contrary to the mandate.

He noticed, in paragraph 42 on page 15, that the Government intended, while abolishing the import duty on malt and hops, to impose an excise duty on locally manufactured beer, so as to place it in a position to compete on fair terms with foreign beers. He assumed that the intention was not to protect local beer, but simply to put it on the same footing as foreign beer.

Mr. MOODY replied in the affirmative.

M. RAPPARD said that certain ardent advocates of Zionism had complained that adequate steps were not taken to protect Palestinian industries. As Palestine would, in the course of time, possess exporting industries, was the problem of protecting infant industries receiving attention?

Mr. MOODY replied that this matter received the continuous attention of the Palestine Government. A standing Committee existed whose members, including both Jews and Arabs, represented commercial and industrial interests in Palestine. They took the keenest interest in the problem, interviewing prospective manufacturers, going into all the

details of proposals and advising the High Commissioner on each occasion.

SEVENTH MEETING.

Held on Thursday, June 6th, 1935, at 10.30 a.m.

Palestine and Trans-Jordan: Examination of the Annual Report for 1934 (continuation).

Mr. Moody and Mr. Downie came to the table of the Commission.

HOLY PLACES.

M. PALACIOS observed that the report contained a short chapter on the Holy Places, in which reference was made to a number of incidents (pages 81 and 82). The mandatory Power and the Commission were both aware how important those questions were. An account was given of an incident which had occurred between the Moslem and Jewish authorities concerning Rachel's Tomb; of another incident which had occurred between those same authorities about a door giving access to the Wailing Wall; and, lastly, of a third incident between the Syriac Metropolitan of Jerusalem and the Armenian community in connection with services in the Church of the Virgin in Gethsemane. That last question appeared to have been settled and the parties concerned had come to an agreement. Could the accredited representative state whether the decision taken by the Government in the other two cases had been accepted by both parties?

As regards the restoration of the Church of the Holy Sepulchre and the Basilica of the Nativity at Bethlehem, he noted that the experts' report would be furnished to the Mandates Commission.

M. Palacios noted further that the mandatory Power had taken action in all those matters under Article 13 of the mandate and that the question of the Commission referred to in Article 14 did not appear to arise again for the moment.

Mr. MOODY believed that the parties had accepted the settlement.

RELIGIOUS COURTS.

M. PALACIOS pointed out that, in the conclusions reached during the twenty-fifth session 9/ concerning petitions received from Jewish communities, the Commission had expressed the hope that the mandatory Power might be able to take measures to establish, if not a formal degree of equality in the regime of the religious courts, at all events some parallel treatment in the matter of finance. It appeared from pages 85 and 86 of the annual report that the Palestine Government had got into touch with the Va'ad Leumi, but the question was still under consideration at the end of 1934.

Could the accredited representative inform the Commission whether it had been settled in the meantime?

Mr. MOODY said that the Administration had reconsidered the question and had decided to adhere to its original point of view.

The CHAIRMAN suggested that it might perhaps have been more satisfactory had the mandatory Power given some explanation in the report as to why it had not felt able to meet the Commission's wishes.

Mr. MOODY said that the explanation could not have been given in the annual report for 1934, because a decision was not reached until 1935. The reasons for the decision would be given in full in the next report. In the meantime, in view of the alternative offer by the mandatory Power, and for the reasons already given, and also because the financial treatment which resulted from the fact that the expenditure and receipts of the Sharia courts did not balance was a temporary and disappearing factor, the Palestine Government had preferred not to perpetuate an anomaly by giving a subvention to the Jewish religious courts.

M. RAPPARD, while he appreciated the mandatory Power's point of view, did not feel that the situation was entirely satisfactory. He asked whether the accredited representative had reason to believe that the Moslems would accept the disappearance of that factor, which constituted

differential treatment under the judicial system.

Mr. MOODY pointed out that the Sharia courts would not disappear. What would disappear, and was in fact actually disappearing, was the adverse balance between the expenditure and receipts of the courts. In 1932, for instance, the deficit had been £P8,000. By 1934-35, it had been reduced to £P4,500.

Baron VAN ASBECK asked (1) whether the Jewish religious courts showed a deficit, and (2) how the expenditure of the Moslem courts had been reduced.

Mr. MOODY understood that the expenditure of the Jewish courts was met, not only by fees or other payments to the courts, but also from separate funds. Reductions had been made in the expenditure of the Moslem courts and fees had been increased.

Baron VAN ASBECK asked whether the Government would grant a subsidy in the event of a further deficit.

Mr. MOODY replied that the question would be considered if and when it arose.

Mr. DOWNIE explained that the Sharia courts were Government courts on the Government establishment. They did not receive a subsidy; the Government paid the expenses and took the receipts into revenue.

Mr. MOODY said, in reply to Baron van Asbeck, that the Jewish courts did not form part of the Government establishment.

M. RAPPARD said that he could appreciate the dissatisfaction of the Jewish petitioners, and asked whether anything could be done to remove their feeling of inequality.

The CHAIRMAN added that the Commission would have appreciated some reference to its conclusions on the petitions in the annual report, or at least some explanation by the accredited representative as to why the mandatory Power had felt unable to fall in with the Commission's views.

Mr. MOODY assured the Chairman that the mandatory Power

paid the greatest attention to, and had the greatest respect for, the Commission's views, but, as the matter was still under consideration when the present report was written, no conclusive reply could be made. A full explanation would be given in the next report.

Baron VAN ASBECK said that the fundamental question was whether the official connection between the Moslem religious courts and the Government was to continue. It was the more surprising because it involved, on the one hand, a non-Moslem Government and, on the other, a Moslem institution. Perhaps the representative of the mandatory Power could explain the advantages and reasons for its continuance.

M. RAPPARD said that the position, as he understood it, was a legacy from the Ottoman regime. It was not for the Commission to say that the mandatory Power must break the link between itself and the religious courts. At the same time, there was discriminatory treatment, and it was natural that the general community--in which Jewish taxpayers preponderated--should object to paying for an institution from which it derived no benefit. The main objection would be overcome if the courts could be made to pay their way.

The CHAIRMAN asked whether he was correct in saying that, in countries formerly governed by the Sultan of the Ottoman Empire, religious funds, part of which was set aside for the administration of justice, had been distributed. He understood that the Jews did not want Government control in their courts and that that was one reason why they did not receive grants from the mandatory Power.

Baron VAN ASBECK asked, further, whether the Jewish community would agree to their courts becoming Government courts like the Moslem courts.

Mr. MOODY said that the Chairman's description of the situation as it existed before the occupation of Palestine was correct. The Administration had carried on the *status quo* in respect of the religious courts. It did not think that the Jewish community would welcome Government supervision of these religious courts.

As the *status quo* was being maintained, the question of solving a general problem did not seem to arise. The

Commission itself had reduced it to a financial problem during the twenty-fifth session, and on the financial aspect he had already explained why the mandatory Power had decided to adhere to its previous decision.

M. RAPPARD asked whether the problem would not be solved if the revenue of the Waqfs were sufficient to cover the cost of the courts.

Mr. MOODY said that, after the Occupation, the Administration had been obliged to provide for the administration of Moslem affairs and had therefore set up the Supreme Moslem Council in 1922.

There was a definite hope that the deficit in the administration of the Sharia courts would disappear in the comparatively near future.

M. RAPPARD asked whether the Sharia courts could count on an income from the Waqf funds.

Mr. MOODY replied in the negative.

In reply to the Chairman, Mr. Moody said that the Waqf funds were now used primarily for charitable institutions, for pilgrims, and for the repair of mosques. In some cases, he believed certain families were entitled to the revenues in return for performing certain duties.

Mr. DOWNIE pointed out that the Government had attempted a solution of the problem by offering to the Jews facilities for the administration of their personal status cases under Jewish law in the ordinary civil courts. The Government considered that the provision of facilities for the administration of the law of personal status was the extent of its responsibility and did not feel bound to offer the Jewish community exactly the same arrangements for dealing with personal status cases as in the case of the Moslems. The offer had not been accepted.

M. RAPPARD pointed out that the Moslems would refuse a similar offer, choosing the alternative of a court that met their own religious needs.

Mr. DOWNIE said that His Majesty's Government considered that historical reasons alone justified the difference in the particular method of providing facilities for the

settlement of personal status cases.

M. RAPPARD repeated that this involved inequality of treatment.

The CHAIRMAN agreed with the accredited representative that local institutions should be safeguarded, in so far as these were in harmony with the letter and the spirit of the mandate.

M. RAPPARD had no suggestion to offer, but merely noted that the position was a source of what he regarded as comprehensible dissatisfaction. If the deficit could be wiped out by an increase in the revenue of the courts, or by reduced expenditure, or, alternatively, by a subsidy from purely Moslem sources, a cause for complaint would be removed.

M. PALACIOS pointed out, with regard to the question of the status of Jewish communities examined by the Commission during its twenty-fifth session,¹⁰ that on page 12 of the report it was stated that an agreement was about to be concluded between the Vaad Leumi and the Agudath Israel. Could the accredited representative say whether the satisfactory relations between the two organisations still persisted? Had the agreement been concluded?

Mr. MOODY said that the relations between these two bodies were satisfactory. No agreement had yet been reached as to the matters in dispute, but the two bodies were meeting together at the present time under the presidency of a Government officer and it was hoped that a conclusion satisfactory to both parties would be reached.

M. PALACIOS observed that, in paragraph 33 on page 11 of the report, reference was made to the Supreme Moslem Council. He would like to know whether the temporary arrangement under which members of the Council were appointed by the Administration continued or whether they were now elected?

Mr. MOODY said that members were still nominated by the Administration when vacancies occurred. It was hoped, in due course, to reintroduce the method of election.

Baron VAN ASBECK enquired whether the Moslem community had asked that members be nominated by the Government or

whether the Administration had imposed that method at the beginning of the mandate.

Mr. MOODY explained that, in 1926, a new ordinance had been introduced for the purpose of providing for the election of members, but it had been found unworkable. In the meantime, the Administration had reverted to the method of appointing members.

POLICE : PRISONS.

M. SAKENOBE noted that the police force had increased by about 100 units, which was quite natural in view of the rapidly expanding population and the increased activities of the police (page 86).

He asked why there had been a decrease from 320 to 300 in 1933 and 263 in 1934 in the Jewish members of the police force. It might have been better to increase their number, seeing that the Jewish population was increasing.

The CHAIRMAN asked whether there was any difficulty in recruiting among the Jews.

M. SAKENOBE observed that the Jews had complained that they had very few representatives in the Trans-Jordan frontier force.

Mr. MOODY said that the commercial and industrial prosperity of Palestine during the past three years was the principal reason for the decrease. The Jews were attracted away from the police force, where wages were fixed and not high, to better paid employment. The Administration had gone to considerable trouble to recruit more Jews and had asked the Jewish Agency to help in the matter.

M. SAKENOBE asked what was the purpose of Police Amendment Ordinance No. 2, 1934, concerning public meetings and processions.

Mr. MOODY said that, after the disturbances at the end of 1933, the Administration had sought ways and means to allow the people of Palestine to express their feelings by means of protests and meetings without endangering public security. The object of the Police Amendment Ordinance was to allow meetings and processions in certain circumstances and subject to certain conditions.

M. SAKENOBÉ thought the Commission should note with satisfaction the steady and considerable decrease in the number of crimes since 1930 (page 89).

Mr. MOODY said that, in 1930, a new Inspector-General had been appointed to the police force. He was a very efficient police officer and had greatly improved the force. It was now much more efficient than in 1930.

M. SAKENOBÉ said that it appeared from a Parliamentary debate in the House of Commons on May 16th, 1934, that there was some overcrowding and lack of suitable accommodation in the women's prison at Bethlehem. The representative of the Government had stated that he had no detailed information but that provision had been made for additional accommodation for female prisoners. According to the annual report (page 88), there were sixty-three women prisoners in the prison on December 31st, 1934. Could the accredited representative furnish the Commission with any additional information?

Mr. MOODY said that the prison accommodation at Bethlehem had been enlarged and improved and it was intended to make further improvements.

Mlle. DANNEVIG said that she had been informed that a number of illegal women immigrants had been sent to the Bethlehem prison. A complaint had been made that most of the jailers were Arab and that there had been great suffering among the prisoners.

Mr. MOODY said that that allegation had been enquired into and had been found to be untrue. The officer responsible for the Bethlehem prison was British, and his wife, an English lady, took a personal interest in the women's prison. There was also a Government Welfare Inspector, Miss Nixon, who devoted particular attention to the women's prison.

ARMS AND AMMUNITION.

M. SAKENOBÉ drew attention to the large consignment of arms and ammunition seized by the police at Haifa and to the increase in the number of unlicensed arms in the country (pages 111 and 112).

According to *L'Orient*, of Beirut, for June 26th, 1934, a large stock of arms had been discovered in the house of an Arab, near Nablus. A similar case in the village of Safed was reported in the same paper on November 1st, 1934.

Could the accredited representative explain the increase and give further information as to the points raised?

Mr. MOODY said that the facts alleged in *L'Orient* would be enquired into and a further explanation would be given in the next report.

It was the constant care of the Administration to prevent the smuggling of arms into Palestine, and the methods at present in use were regarded as adequate.

The increase in the number of unlicensed arms discovered was probably due to increased vigilance of the police.

M. SAKENOBE said that the Fire arms Amendment Ordinance No. 9, 1934, appeared to tighten up the regulations.

Mr. MOODY said that the intention of the Ordinance was to give greater power to the police to assist the Administration in reducing the number of unlicensed fire arms in Palestine.

ACCESS OF PALESTINE TO THE GULF OF AQABA.

M. ORTS pointed out that, according to the description given on page 1 of the report, the southern boundary of Palestine ran from a point west of Rafa on the Mediterranean "to a point two miles west of Aqaba" in the Gulf of Aqaba, and that the eastern boundary started from the same point two miles to the west of Aqaba in the direction of Wadi Araba. The result would seem to be that Palestine had practically no access to the Gulf of Aqaba. All the maps consulted, however, including that annexed to the report, showed Palestinian territory as running along the Gulf for a distance of from fifteen to twenty kilometres. Was the description of the frontier given in the report inaccurate?

Mr. MOODY said that the point was new to him. He knew that Palestine had a part of the sea-shore on the Gulf of Aqaba. He would therefore prefer that a written reply should be given to M. Orts' question after it had been carefully

examined.

The CHAIRMAN noted, on behalf of the Commission, that information would be given in writing.

M. ORTS suggested that it might be possible to give an immediate reply at any rate as to whether Palestine had, or had not, access to the Gulf of Aqaba.

Mr. MOODY replied in the affirmative and repeated that information would be given in writing.

He added that the same map had been used for many years.

M. ORTS was aware of that fact. It was the description given on page 1 of the report which did not accord with the map.

FRONTIER BETWEEN THE VILAYET OF HEJAZ AND SYRIA.

M. ORTS, referring to the former frontier between the Vilayet of the Hejaz and Syria (pages 241 and 242), was surprised that extensive researches should be necessary in order to meet the wish expressed at the twenty-fifth session of the Commission.¹¹ Were not these boundaries known to all those who had lived under the Turkish regime?

Mr. MOODY said that he had nothing to add to paragraph 10 on page 242 of the report.

ECONOMIC EQUALITY (*continuation*).

M. ORTS asked whether the accredited representative was in a position to reply to the question he had asked on the previous day with regard to the treatment accorded to Japanese goods since the withdrawal of Japan from the League of Nations.

Mr. DOWNIE said that, up to the present time, there had been no change in the position. He had no information as to the views or intentions of His Majesty's Government with regard to future action. It might be noted, however, that, on the withdrawal of Japan from the League, Palestine would not automatically obtain freedom of action in the matter of the treatment of Japanese goods in view of the existence of the Anglo-Japanese Commercial Treaty, 1911.

M. ORTS pointed out that, notwithstanding the Anglo-Japanese Treaty, certain measures, such as the quota system, had been introduced in some of the British colonies, particularly in West Africa. It would not seem that the Treaty would stand in the way, if it were desired to take similar measures in Palestine.

Mr. DOWNIE observed that he had not stated that the Treaty would stand in the way, but had pointed out that, on the withdrawal of Japan from the League, Palestine would not automatically obtain liberty of action in view of the existence of the Anglo-Japanese Treaty of 1911.

ANTIQUITIES.

Count DE PENHA GARCIA thanked the mandatory Power for supplying the information he had asked for (page 100 of the report) during the twenty-fifth session.^{12/} He noted that the position had improved, and asked whether there was any obstacle to the opening of a museum for Trans-Jordan at Amman.

Mr. MOODY said that lack of funds was the principal obstacle. It had been arranged that the antiquities of Trans-Jordan should be housed for the present in the Rockefeller Museum in Jerusalem.

QUESTION OF THE USE OF HEBREW CHARACTERS IN TELEGRAMS.

Baron VAN ASBECK asked whether the new arrangement for the introduction on an experimental basis of a system whereby telegrams written in Hebrew characters would be accepted in Jewish towns and settlements if addressed to places where treatment by non-Jewish staff was not likely to be entailed (page 103 of the report) had been accepted by the Jews and whether it was working satisfactorily.

Mr. MOODY said that the system had certainly worked well up to the present. He did not think the petitioner ^{13/} who had raised the subject was satisfied; he would probably ask for further concessions.

Baron VAN ASBECK presumed that the question of extending the system was merely one of administrative convenience.

Mr. MOODY replied in the affirmative, adding that the

administrative inconvenience of so doing would be considerable.

LABOUR.

Lord LUGARD said that the labour situation in Palestine appeared to be very satisfactory, with no unemployment among the Jews and only 1.4% among the Arabs (page 104 of the report).

A good deal of feeling seemed to have been caused by the engagement of Arab labour by Jewish employers, which had led to picketing (page 107). Had these disputes been settled? Paragraph 22 on page 107 referred to the amendment of the existing legislation, in order to limit peaceful picketing to disputes where no racial question was involved. But were there any disputes which were not more or less racial?

Mr. MOODY said that the new picketing ordinance had been successfully applied, and he thought he could safely say that it had been possible to distinguish between disputes which were purely industrial and those concerned with the race or religion of the labourers in question. A number of Jews had been imprisoned under the Ordinance, and the situation with regard to picketing had greatly improved.

As to racial disputes, some Jewish settlements held the view that only Jewish labour should be employed, and further disputes of that kind might be expected to occur.

Lord LUGARD noted that the only mixed trade unions (Jews and Arabs) were apparently the Railway Union and possibly the Post and Telegraph Employees' Union, the members of which, he presumed, were Government employees (paragraph 24, page 108, of the report). He asked what was the difference in the treatment of labour in Government departments and private firms.

He noted from an extract from *L'Oriente Moderno*, June 1934, that the railway employees had been discussing a strike in connection with various demands for pension rights--old-age pensions, allowances for sickness and accidents, etc.--which suggested that they were discontented with their position.

Mr. MOODY said that the Railway, Post and Telegraph Employees' Union was one union, and consisted of Government

employees only. Wages were lower in Government service, but the other conditions were better.

The railway workers in Palestine had recently threatened to strike. Their conditions had been carefully considered by the High Commissioner and certain improvements in their conditions of service had been made. He thought the workers were now satisfied.

Lord LUGARD asked why the Administration had no power to control labour contracts (page 108, paragraph 27, of the report).

Mr. MOODY thought it would be unusual for a Government to take such power and suggested that it was entirely a matter for the courts.

Lord LUGARD said that the legislation mentioned in paragraphs 29 and 30 on page 108 would be a boon to the working classes.

He asked whether the casual Haurani and other Arab labourers who came over the frontier had to obtain licences or permits, and what steps were taken to see that they returned. He noted from a letter from the mandatory Power to the Jewish Agency that 473 had recently been deported.

Mr. MOODY said that up to the present time the High Commissioner had not thought it necessary to introduce any form of registration.

Lord LUGARD asked whether the practice did not lead to a good deal of illegal settling.

Mr. MOODY replied in the negative and thought that the problem was not of such importance as to warrant the elaborate machinery which would be involved by the introduction of registration.

CO-OPERATIVE SOCIETIES.

Lord LUGARD noted that the number of co-operative societies had greatly increased, especially the rural thrift and credit societies among the Arabs with the help of Barclay's Bank (page 235); from a total of 26 at the end of 1933, they now numbered 911.

He presumed that the Central Co-operative Bank loan of £289,000 to the agricultural societies was their own money.

Mr. MOODY said that it was.

PUBLIC FINANCE.

M. RAPPARD noted that the financial situation was unusually prosperous.

He drew attention to the omission of the figure 3 in the last column on page 175.

With regard to the increased revenue, he noted that, on the one hand, a surplus was being accumulated--which was all to the good--and, on the other, the personal emoluments and cost-of-living allowances of officials had been appreciably increased. The increase in the allowances involved only a book-keeping change, but was the increase of £70,000 for personal emoluments due to an increase in the cost of living, or was it the expression of a desire to allow the officials to share in the general prosperity of the country?

Mr. MOODY explained that it was partly due to the higher cost of living in the towns which had led to the granting of housing allowances on account of the excessive rents. It was also partly due to additional appointments necessitated by the development of Palestine.

M. RAPPARD was somewhat surprised to find that expenditure on security in the broad sense--police and prisons, Trans-Jordan Frontier Force, defence and so on--was about a quarter of the whole budget--a heavy burden. He asked whether this expenditure was due mainly to a desire to ensure internal order or to the requirements of external defence.

Mr. MOODY said that the expenditure was mainly for the internal security of Palestine. The Trans-Jordan Frontier Force only was for the protection of the boundaries of Trans-Jordan.

There had also been an increase in the number of police, because the population was increasing rapidly. Furthermore, the Government had begun to improve the police barracks and married quarters, which should have been done before, had

the financial situation allowed.

M. RAPPARD understood that the Imperial Government contributed to the Royal Air Force and army units in Palestine and Trans-Jordan the amount that would have been paid had they been stationed in England, the difference being charged to Palestine.

Mr. MOODY said that that was so.

M. RAPPARD asked for an explanation of the difference between the figure given for defence in 1933-34 on page 166 of the report (£P 101,000) and the corresponding figure on page 177 (£P 110, 125).

Mr. MOODY said that the figure was adjusted, after the end of the year, to the amount actually spent.

M. RAPPARD thanked the mandatory Power for including a statement of investments in the report (page 183) and noted that the policy was to place all available funds in Imperial securities. The largest holding was Conversion Loan at 2 1/2% which seemed rather a low rate. He presumed the investment was made with sole regard to the interests of Palestine and not to the interests of the borrower.

Mr. MOODY replied that the investments were made by the Crown Agents who, being agents, were concerned only with the interests of their principals, the Palestine Government.

Notes

1/ See Minutes of the Twenty-fifth Session of the Commission, page 149.

2/ See Minutes of the Twenty-fifth Session of the Commission, page 26.

3/ See Minutes of the Twenty-sixth Session of the Commission, pages 169 and 181.

4/ See Minutes of the Twenty-fifth Session of the Commission, page 27.

5/ See Minutes of the Twenty-fifth Session of the Commission, page 25.

6/ See Minutes of the Seventeenth (Extraordinary) Session of the Commission, pages 101 and 102.

7/ See Minutes of the Twenty-fifth Session of the Commission, page 27.

8/ See Minutes of the Twenty-fifth Session of the Commission, page 27.

9/ See Minutes of the Twenty-fifth Session of the Commission, page 152.

10/ See Minutes of the Twenty-fifth Session of the Commission, page 22.

11/ See Minutes of the Twenty-fifth Session of the Commission, pages 34, 35 and 149.

12/ See Minutes of the Twenty-fifth Session of the Commission, page 34.

13/ See Minutes of the Twenty-first Session of the Commission, pages 172, 200, 201 and 217.
