

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

**MINUTES
OF THE
THIRTY-SECOND
(EXTRAORDINARY) SESSION**

**DEVOTED TO PALESTINE
Held at Geneva from July 30th to August 18th, 1937**

**including the
REPORT OF THE COMMISSION TO THE COUNCIL**

First Meeting

Held on Friday, July 30th, 1937.

Palestine: General Statement by the Principal Accredited Representative.

The Right Hon. W. ORMSBY-GORE made the following statement:

I appreciate most sincerely the words of welcome just spoken by the Chairman, M. Orts. I naturally reciprocate the sentiments which he has expressed about myself, the more so as I still clearly remember the first sessions of the Mandates Commission, when I was a member of your body. As you say, my colleague Mr. Hall is no stranger to you, and as accredited representative will deal more particularly with the 1935 and 1936 reports. Mr. Martin comes to Geneva for the first time. He has had the experience of visiting Palestine with the Royal Commission, and having, as its secretary, dealt with drafts and redrafts and become familiar with the mind of the Commission; his assistance in some matters will, therefore, be very valuable and without it I might be at fault. Together we form a team which hopes to be able to assist you at this, one of the most important meetings, if not the most important meeting, of the Mandates Commission since its foundation.

May I conclude these preliminary remarks by saying that there is no part of the League's work and responsibilities in which I have taken a more continuous and sympathetic interest than the working of the mandates system, which has always had, and will always have, my most loyal support.

No fact is clearer in my mind to-day than the fundamental fact that we administer Palestine on behalf of the League of Nations as a mandatory Power. In no mandated territory are the wide and far-reaching international interests so manifest. In fact, before the idea of mandates was evolved, it was agreed, during the war, between the Principal Allied Powers, in the so-called Sykes-Picot Agreement, that Palestine should be international. However, the creation of the mandates system as part of the Covenant of the League enabled a continuous operation of international supervision and approval regarding the affairs of that unique and historic country to be maintained. To-day, I and my colleagues come before you to consider, not merely, as in the past, the record of administration in that country, but the whole future of its political destiny.

I feel that not only the experiences of last year in Palestine but the whole story of our difficulties as mandatory Power in Palestine in the last seventeen years have now to be reviewed. There must be a general stock-taking of the position as it has evolved during the long life of the existing mandate, and in the light of events both within and outside Palestine an endeavour must be made to consider how best to formulate some scheme for the better government of Palestine in accordance with the spirit of the Covenant of the League, of the Balfour Declaration, the good of all sections of those worldwide international interests in the Holy Land which must be re-affirmed.

The document produced by the Royal Commission is remarkable in many ways. It is, first and foremost, a frank and comprehensive statement of all the essential facts, including, what can never be lost sight of in connection with Palestine, the deep historical roots which make it a country different from all other countries, and which are the causes of its peculiar complexities and difficulties.

I venture to say that no more important session of the Mandates Commission has ever been held than the present, and the task which lies before you in deciding what advice you will give to the Council of the League on this occasion is, I fully appreciate, a very grave responsibility. It is your duty to come to an independent judgment on the various documents laid before you and on the suggestions which I, as the representative of the mandatory Power, hope in due course to lay before you. You, Mr. Chairman, have used the word "collaboration", and it is in the full sense of that word that I will endeavour to assist the Commission. This can best be assured, not by my attempting to present you with a cut-and-dried scheme for the future, but by discussing as informally as possible the various possible alternatives and the advantages and disadvantages of those alternatives which lie before us.

Having said that, I think it is my duty to make it clear that I have, of course, a definite position which I must lay before you. The definitive recommendations of the United Kingdom Government approved by the Cabinet are brief and are set out in a short Statement of Policy published as Command Paper 5513, which I have before me. I must read to you the first four paragraphs of that paper, as they are the definite conclusions of the Government and constitute my position:

"His Majesty's Government in the United Kingdom, . . . have considered the unanimous report of the Palestine Royal Commission. They find

themselves in general agreement with the arguments and conclusions of the Commission.

"2. As is fully recognised by the Commissioners in their historical survey, His Majesty's Government and their predecessors, since the obligations of the mandate were accepted, have taken the view, which the tenor of the mandate itself implies, that their obligations to Arabs and Jews respectively were not incompatible, on the assumption that in the process of time the two races would so adjust their national aspirations as to render possible the establishment of a single commonwealth under a unitary Government.

"3. In spite of many discouraging experiences during the past seventeen years, His Majesty's Government have based their policy on this expectation, and have taken every opportunity of encouraging co-operation between Arabs and Jews. In the light of experience and of the arguments adduced by the Commission, they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock. His Majesty's Government propose to advise His Majesty accordingly.

"4. His Majesty's Government therefore propose to take such steps as are necessary and appropriate, having regard to their existing treaty obligations under the Covenant of the League of Nations and other international instruments, to obtain freedom to give effect to a scheme of partition, to which they earnestly hope that it may be possible to secure an effective measure of consent on the part of the communities concerned."

The publication of this paper was followed immediately by debates in both Houses of Parliament last week. The House of Commons agreed without a division to a resolution in the following terms: "That the proposals contained in Command Paper 5513 relating to Palestine should be brought before the League of Nations with a view to enabling His Majesty's Government, after adequate enquiry, to present to Parliament a definite scheme taking into full account all the recommendations of the Command Paper". This resolution accordingly constitutes my instructions and it is my duty to bring before you the proposals contained in the Command Paper and to invite your judgment thereon.

Nobody recognises more clearly than I do that, at this particular session of the Mandates Commission, you are only authorised by the Council of the League to give a preliminary report to the Council on the far-reaching issues involved. Parliament has retained the right to examine a definite scheme if and when a definite scheme is formulated. If Parliament retains this right, so also do you, and so does the Council of the League. But let there be no misunderstanding. Preliminary approval or disapproval of the working-out

of the "form of a scheme", to use the United Kingdom Government's considered words, carries us far. Approval will involve negotiations with Jews and Arabs, if they are willing to negotiate, and will involve the preparation of a "definite" scheme for submission to you. And even then our mutual task will not be concluded, for the whole idea of any definite scheme on the general lines proposed involves *ad referendum* the drafting of treaties and subsidiary financial and military agreements and the drafting of an amended or modified form of mandate for those parts of Palestine for which His Majesty's Government is to continue to act as Mandatory on behalf of the League. This is a large programme involving collaboration between us, your recommendations to the Council and the Council's approval at successive stages.

Before you take any preliminary step, you naturally want to know clearly the end in view. What is the aim, *le but*, which any scheme on the general lines of Command Paper 5513 has in mind? The aim is the termination of the mandate in respect of Trans-Jordan and the greater part of Palestine, with a view to the creation of two new independent sovereign States--the one Arab and the other Jewish--and the reservation of certain places in Palestine, some permanently, others possibly only temporarily, under British mandate, such mandate involving modifications of the existing mandate. It would be foolish to imagine that this is going to be an easy task. The complexities of the problem are obvious and the task of overcoming difficulties of every kind is not going to be easy, but in our view these difficulties must be faced and overcome, for in our opinion a scheme on such lines represents "the best and most hopeful solution of the deadlock". We believe that there is a deadlock which has got to be resolved. This deadlock arises from the fact that the aspirations of the Arabs and the Jews are in fact, and have been shown to be, mutually antagonistic and it must be resolved if there is to be peace, progress and good government in that part of Asia, and in surrounding countries.

The facts which have led both the Royal Commission and His Majesty's Government to this conclusion are clearly and explicitly set out in paragraphs 43, 44 and 45 in Chapter IV of the Royal Commission's report on pages 110 to 112 of that document, which may be taken as summarising the actual situation as it exists to-day in Palestine. In my own personal belief, these paragraphs are true. If they are true, I believe that the rest follows logically from those facts. I shall, of course, have something to say about them in detail, but not at this opening session.

I would also urge the Mandates Commission to pay special attention in this connection to Chapter XX of the Royal Commission's report--namely, pages 370 to 376--which sets out the whole argument in favour of our policy of partition.

But it is essential that I should make clear at the outset that His Majesty's Government are not tied, and have not committed themselves in detail, to the particular scheme of partition briefly outlined in the Royal Commission's report. Indeed, paragraph 19 on page 383 of the Royal Commission's report makes the position of that body clear. It reads as follows:

"Any proposal for partition would be futile if it gave no indication, however rough, as to how this most vital question in the whole matter

might be determined. With the information at our command, we are not in a position to assert that the proposal we have to make in this matter is the only solution of an obviously difficult problem."

Indeed, the Royal Commission itself recommends that this should be referred in due course to a boundary commission. It may well be that preliminary negotiations may have to be undertaken before this boundary commission is set up ; but the terms of reference to, and the nature and constitution of, such a boundary commission are obviously of great moment, and it seems to me that they constitute an essential step without which it will not be possible to formulate the form of a definite scheme. This, therefore, is a matter which I should like to discuss with the Mandates Commission at this session, for the subsequent next steps must be envisaged--steps which will have to be undertaken as soon as the Council of the League has pronounced on the recommendations you make to it at this session. In fact, the whole question of the stage at which the proposed boundary commission is to be set up requires exploration.

May I now make a personal appeal as to procedure. You have before you a number of documents. Included in those documents you have also the ordinary routine annual reports for 1935 and 1936. That is why, on this occasion, there are two accredited representatives. I, as the Cabinet Minister primarily concerned, desire to deal with the report of the Royal Commission, with the Statement of Policy by His Majesty's Government and with the statement which I have just made, while to deal with the annual reports Mr. Hall, till recently the Chief Secretary in Palestine, will be the accredited representative. It would be a matter of great personal convenience to myself--for I have cares and responsibilities for the whole Colonial Empire to attend to--if you could deal with my part of the work first and release me from attendance here during the examination of the reports for 1935 and 1936.

I would also make clear to you that I did not come back to this question in any responsible capacity until this time last year. I was Minister of Public Works in 1935 and for the first six months of 1936, and I was not at the Colonial Office, and I have no direct knowledge of events that took place at the outbreak of the disturbances. Further, may I add that, with regard to the 1936 report, I understand there are certain questions which the Commission will wish to put in connection with that report, and we are awaiting certain additional data from Palestine which we have not yet received, and it would in any case delay our mutual task if we were to embark first on the routine of the annual reports. I may say that the data are on their way and should be here fairly early next week, but certainly we could not deal with the reports to-morrow or on Monday. I would therefore ask the Mandates Commission to proceed as soon as possible to the major issues that have arisen and now arise, and anything I can do to assist the Commission in these matters I will do.

The first fact with which I want to deal is that concerning the relations between the two main races in Palestine. I am afraid that, in the course of the last seventeen years, and particularly as a result of the events of last year, the gulf between Jew and Arab has widened. It is very easy to say that that is the fault of the mandatory Power. We may have

had our faults--all Governments have faults--but that all along we have pursued a policy of conciliation and endeavoured to bring Jew and Arab together cannot be contradicted. We have endeavoured to associate Jews and Arabs in the administration of Palestine in every single Government department: in judicial work and in every aspect of our administration. We have endeavoured to break down, in spite of difficulties, the mutual suspicion that the one has for the other, and I do believe that the charge that, if the mandate had been properly administered from the beginning, the two races would have come together to form a Judeo-Arab self-governing commonwealth is ill-founded.

What has from the first been the real aim of the Jews? It has been to establish in Palestine a Jewish civilisation, to use their own words, as Jewish as England is English. Equally, the Arabs of Palestine want to preserve their civilisation, their ancient manner of life, their manners and customs, and they do not want to be diluted either by British ideas or by Jewish ideas. To the Jew, Palestine is *Eretz Israel*--the land of Israel--and he calls it that. To the Arabs, Palestine is an Arab country, part of a new renascent Arab world that for four centuries has been dominated by the Turks and is now a young nation again divided into separate administrations, but with one object in view: to revive once again the glories of Arab mediæval civilisation.

Let me take the demands that are made to the mandatory Power, in season and out of season, by both Jew and Arab. The Arab concentrates first on Article 2 of the mandate, which says that the mandatory Power is to establish self-governing institutions. They have never ceased to demand self-government in Palestine and self-government in accordance with the numerical strength of the people in that country. By self-government they mean a Legislative Council with a Government responsible to that Legislative Council. On the present numerical basis that would mean eight Moslem Arabs for every four Jews and every one Christian. But that is only a step in what they want: they have never ceased to desire, and to tell us that they desire, the termination of the mandate and its replacement by a system of treaties similar to that which the other Arabs have in Iraq and are now getting in Syria. Still more insistent, however, is their other main demand, and this demand is put forward, not only by the Arabs of Palestine, but by the neighbouring Arab Governments and countries unanimously--*i.e.*, the stoppage of all further Jewish immigration. In the words of their leaders, they say there are too many Jews in Palestine already.

That is the Arab aspect of the case, as insistently pressed upon the mandatory Power. What does the Jew want? The Jew wants the whole of Palestine, and some of them still want Trans-Jordan as well, as a National Home for the Jewish people throughout the world; and more than anything else they mean by that national home a place where as of right they can settle the millions of Jews who desire to leave the countries in which they no longer wish to stay--notably, the countries of Central Europe. They press upon us the obligation under the mandate to facilitate more and more settlement--in effect, to facilitate to a greater degree than hitherto their acquisition of land at present Arab.

Those are the two cases that are pressed upon us continually. What, therefore, is the position of the mandatory Power? I cannot, I think, improve upon the words of the Royal

Commission, page 136, paragraph 47: "We doubt whether there is any country in the world where the position of the Government is less enviable than that of the Government of Palestine, poised as it is above two irreconcilable communities, compelled to follow a path between them marked out by a . . . legal instrument, watched at every step it takes by both contending parties inside the country and watched from outside by experienced critics on the Permanent Mandates Commission and by multitudes of Jews throughout the world", and, may I add --which they do not say--by the whole of the Arab world and even beyond.

The Mandates Commission, at previous sessions, has agreed--and the Council has endorsed its view--that under those circumstances it is our duty, as an administration in Palestine, to give equal weight to the interests of both Jew and Arab. As the Royal Commission points out on page 139 of its report (paragraph 53): "We doubt, indeed, if anywhere else the principle of impartiality between different sections of a community has been so strictly applied. The Government of Palestine might almost be described as government by arithmetic."

We plead guilty to that charge; in the light of our dual obligations, we have endeavoured to give equal weight to the interests of those two deeply divided, race-conscious and civilisation-conscious peoples. It should be remembered that, from the point of view of the Jew, the Arab belongs to a backward people, to what they would call a different and a lower civilisation. From the point of view of the Arab, with his aristocratic ideas, the Jew is called by the name of "Yahoudi", which is a term of contempt. The belief that, because both races are alleged to have originally descended from Abraham, they would be able to assimilate their civilisations in this century and become again one people has been shown by the experience of the last seventeen years to be ill-founded, and the policy based upon it has been a failure. We plead guilty to the charge that we have followed the policy of conciliation to the point of weakness, believing that conciliation and impartial treatment were obligations inherent in the mandate as it now stands.

Again and again there have been Arab outbreaks, but may I point out that on one and the same day I have heard complaints from a Jew that a particular British officer in Palestine was a notorious pro-Arab and, from an Arab, that the same officer was biased in favour of the Jews. We have few friends in Palestine. The Jews are critical, disappointed, complaining, but full of restraint--for which all honour to them. The Arabs are openly hostile, and are as hostile now to us--the mandatory Power--as they are towards the Jews. The whole question is: Are we to go on suppressing outbreaks, keeping peace by force for a year or two, while further friction and further incidents occur between the races?

As I understand the mandate, the Palestine mandate is an A mandate. The essence of that is that it marks a transitory period, with the aim and object of leading the mandated territory to become an independent self-governing State. Indeed, the articles of the mandate make it clear that that is so. It is true that in the final article--Article 28--it is stated that, when that day comes and the mandate is terminated, perpetual provision must be made for the care of the Holy Places and particularly the Christian Holy Places, which neither the Moslem majority nor the Jewish minority, nor yet a Judeo-Moslem

commonwealth is, in the opinion of the world, capable of protecting. It is the clear intention of those who framed the mandate that there ought to be permanent provision for this end.

In speaking of what are called "strong measures" to deal with disturbances and with the aggression of the Arabs, let me make quite clear that the more ruthless the treatment by the British military and police of disturbances arising from a political cause the wider becomes the gulf, not merely between the Arabs and the mandatory Power, but between the Arabs and the Jews, because the Arabs do not believe, and will not believe, that we would adopt repressive measures if it were not on behalf of the Jews, and every repressive act against the Arabs is in fact, in the Arab mind, blamed on the Jews and on Jewish influence in Great Britain even more than on Great Britain itself. I want to make that quite clear.

Now, the next point I wish to get into your mind is how greatly the situation in the neighbouring countries round Palestine has changed since the mandate was originally drafted and since we undertook the obligations of that mandate. In those days we were in mandatory control of Iraq, France was in mandatory control of Syria, we had a Protectorate in Egypt. That has all been changed, and the significant fact noted by the Royal Commission is the enormous interest which the neighbouring Arabic-speaking countries take in the affairs of Palestine. The situation has changed. Iraq is now a sovereign, independent State, a Member of the League. The French mandate over Syria is being transformed, and partition is to take place there into two sovereign States and the special area in the north round Alexandretta. British power in Egypt has gone, and Egypt is now completely self-governing, and a termination to our occupation is agreed. In those circumstances, how long can we go on adhering strictly to the mandate in Palestine of seventeen years ago? And more than that: we have ample evidence that it does not stop at the Arab world. We have had an Imperial Conference this year and the principal Indian delegate was a Punjab Mohammedan, an elected member of the Council of State in India. He, as is recorded, made at our Imperial Conference a strong plea on the Arab side and for the Arab case.

I do not exaggerate when I say that the continuance of a policy of repression and nothing else is likely to embroil, not merely Great Britain, but the Jews all over the world, in a conflict with the Mohammedans. It is something of a tragedy that, when in the Middle Ages, on religious grounds, the Christian world took an attitude to the Jews which is not one on which enlightened countries to-day can look back with satisfaction, in those days it was the Mohammedan world peculiarly that befriended the Jews in Spain, in the Near and Middle Easts, with the result that, after the Jews were driven out of Spain, it was in Bagdad and in places of that kind that you had a large settlement of Jewish refugees. To-day those settlements are in danger because of Palestine, and the whole relation between the Jew all over the world and the Moslem all over the world is likely to become a serious one, and is likely to deteriorate, unless we can find a solution to the Palestine problem.

I would now turn to what you may say is the Jewish side as I see it. The Commission will remember the last phrase of the Balfour Declaration, which reads that "nothing shall be

done which may prejudice . . . the rights and political status enjoyed by Jews in any other country". It is my fear that the Jews in the Mohammedan world outside Palestine are prejudiced by the continuance of the present regime in Palestine ; but the whole position in Palestine, particularly in regard to Jewish immigration, and, consequent on Jewish immigration, the increased fears of the Arabs in Palestine, has been aggravated by the events in Central Europe. The demand of Jews for entry into Palestine comes at a time when, owing to no causes arising in Palestine or in the British Empire, there is pressure on the Jews to seek another home, and they find the bulk of the countries in the world closed to them--closed to immigration not only of Jews but of others. As it was put to me by an American: "If we specially facilitate Jewish immigration into America, the entry of Jewish refugees into America, what about all the others? Will not our policy of preventing a large flow of immigrants of all kinds on account of our economic and internal situation be broken down?" And that applies, you may say, almost everywhere else. We know from our own experience inside the British Empire--in Australia, New Zealand, Canada and the like--how difficult it is to get British migrants from Great Britain into those Dominions to-day. The day of migration of peoples is temporarily suspended. It may resume again, but for the moment any immigration is, as it were, artificial, and now the people of Great Britain are exposed to this conflict of two opposing sentiments.

Possibly as much as any other country in the world, we have sympathy with the humanitarian object of finding some solution for the Jewish problem in Central Europe, of helping them out of their distress. Our original advocacy of Zionism had, no doubt, other causes. It was not conceived as a refugee problem ; it was conceived as a spiritual problem. In the mind of Balfour, his adherence to Zionism was due to his belief that if the Jews were enabled to build up their civilisation in Palestine once again, it had something of real constructive value to the world, and that the Jews in their old home would again produce, as they did in the past, and release great spiritual forces. That is what has attracted the British people to that side of it. Since then there has been this desire to help the Jews from oppression into freedom. That is one side of the British outlook on this question, and in this you must take a long view, not what is the immediate view of a particular Government, for we are not a dictator country, we are dependent upon the currents--I hope we shall continue to be--of public opinion. Equally, on the other side, in Great Britain, and never more than to-day, is the sentiment which you see operating in Africa and other native countries of the British Empire--namely, the feeling for the rights of the indigenous native population and for the safeguarding of those rights.

It is inevitable, if the only course in Palestine is a course of repression not leading to self-government or conciliation defensible on the basis of liberal democracy, that that policy is bound to grow more and more unpopular among the people of Britain, and that will not help the Jews. I sincerely believe that at this moment there is a real desire on the part of the British people for some radical solution to be found in Palestine and that they do believe, though they may criticise the details, that the most hopeful solution is partition.

May I put this further point before the Commission? One of the things we have to consider and answer in our own minds is this question. From the point of view of the

Jews--not merely of the Zionists who, since the beginning of the Zionist movement by Herzl, have hoped for a Jewish State--and facing the facts in the world as a whole to-day, is it likely that it will be possible to accommodate more Jewish refugees in Palestine--and not only in Palestine but even in the neighbouring Arab lands--on a basis of partition or on the basis of the continuation of the present mandate?

I believe that on the basis of partition and the establishment of a Jewish State, small as that is, it will be possible to find accommodation for far more refugees than by a continuation of the present mandatory regime. For under that regime every move to introduce more refugees will be met with resistance on the part of the Arabs. On the other hand, if a Jewish State is set up under a Jewish Government, which I believe would be a good and tolerant Government, it will, if the Arabs and the rest of the country are granted independent freedom, be easier to induce the Arabs to allow Jews even to enter their areas. I believe that, if this question is once settled in a clear and definite manner, the relations between the Arabs and the Jews will begin to improve. I am therefore quite satisfied in my own mind that, looking at the Palestine question as a possible solution to the world Jewish problem, there is more hope for the Jews in partition than by a continuation of the system in operation during the last few years.

I do not think I need add anything further to this general statement of the position as I see it. I hope that at your convenience I may have an opportunity of dealing with the inherent difficulties which must be surmounted in the creation of any plan of partition. It is a matter to which I have naturally given considerable thought during the past six weeks, and before I invite the Mandates Commission to take any step in the direction of partition, you will naturally wish to be satisfied that I have some clear vision as to how partition would in fact work. I have some criticisms of my own of the plan proposed by the Royal Commission. I do not say that these criticisms are entirely well founded, but you ought to know them. I am convinced that, if we are to seek a radical solution, partition is the one which we ought to explore, taking a long view in the light of political wisdom. If we fail to carry that policy, we are driven back upon the consideration of alternatives, which I do not wish to envisage unless and until I am satisfied, and you are satisfied, that no scheme of partition will be able to realise the results I have outlined this afternoon.

The CHAIRMAN thanked Mr. Ormsby-Gore for his lucid and substantial statement. He understood that Mr. Ormsby-Gore was prepared to deal immediately with the details of the Royal Commission's scheme. In those circumstances, he would be informed when he would be able to make that detailed statement to the Commission.

(The accredited representatives and Mr. Martin withdrew.)

Questions of Procedure (continuation): Continuation of the General Statement by the Accredited Representative: Preliminary Exchange of Views between the Members of the Commission.

The CHAIRMAN suggested that Mr. Ormsby-Gore should be asked to make his detailed statement at the next meeting, it being understood that the statement would be followed by an exchange of views between the members of the Commission.

M. RAPPARD agreed that it was reasonable that Mr. Ormsby-Gore should be heard since he was present, and it was also natural for members of the Commission to exchange their views at the close of the hearing of the accredited representative. M. Rappard assumed, however, that the Chairman did not intend to press the members of the Commission to define their views before they had had an opportunity of examining the annual reports.

The CHAIRMAN intimated that his intentions had been correctly interpreted by M. Rappard.

The Chairman's proposal was *adopted*.

Task of the Commission in the Light of its Terms of Reference: Preliminary Exchange of Views between the Members of the Commission.

Lord HAILEY thought that the Commission had a two-fold task. Consideration of the 1935 and 1936 reports formed an ordinary part of what might be called the Commission's routine duty, which it carried out in the light of the terms of the mandate itself. Any circumstances which might have arisen in 1935 and 1936 were to be judged primarily by an application of the prescriptions of the mandate ; though on this occasion the task was rather complicated by the consideration that must be present in the mind of every member that the report of the Royal Commission actually resumed most of the events of 1936 and was in itself somewhat fuller and more informative than the ordinary annual report. He felt that it was the second part of the Commission's task which was going to prove the great difficulty, because in it it was invited, not merely to consider events in the light of the prescriptions of the mandate, but to enter on an entirely new field in regard to which no guiding principles were available.

He suggested that the best line of approach to such questions was to be found in the realisation that the Mandates Commission was an expert body to which the Council looked for expert advice ; the Council could hardly look for advice and recommendations on large questions of general policy such, for instance, as those which flowed directly from the terms of the Balfour Declaration. What the Council presumably expected from an expert body such as the Commission was that it should examine the material before it and advise the Council how far that material was sufficient to enable the Council to come to decisions on the major issues. From that point of view, the Commission should first of all ask itself whether the material before it was sufficient for the Council to decide whether the ideal of a unitary Government in Palestine--that was to say, a unitary Government leading up to responsible self-government--was feasible or not. If the material were not sufficient, what further material was necessary in order to enable the Council to decide whether there was or was not that complete incompatibility between the ideals of the two peoples concerned in the country which would make a unitary Government impossible.

Assuming that the Commission believed there was sufficient material on that point to present to the Council, was there enough material to show whether a change of the terms of the mandate was required in order to make unitary Government more possible?

Then, assuming that the Commission could itself see no change in the mandate which would overcome that incompatibility, was sufficient material available to the Commission to advise the Council on the desirability or otherwise of partition? If not, what were the points in regard to which the Commission should ask the United Kingdom Government for further information? For instance, should it ask the United Kingdom Government to give a clearer view of the fiscal arrangements, military guarantees, or of what was to be the relation between the proposed British mandated territory and the proposed two independent or semi-independent countries?

There were numerous subsidiary questions which might arise in regard to which the United Kingdom Government might be invited to supply information: the position of communications, ports and the like; but Lord Hailey did not propose to detail those now. He only wished to emphasise his view that it was the function of the Commission to consider the extent and quality of the material available, and to advise the Council on its adequacy for the decisions which the Council would have to take.

THIRD MEETING.

Held on Saturday, July 31st, 1937, at 10.30 a.m.

Palestine: General Statement by the Principal Accredited Representative (continuation): Plan of Partition of the Territory.

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

Mr. ORMSBY-GORE spoke as follows:

I propose this morning to approach the actual problem of partition, but before I do that there is perhaps one short passage which I ought to add of a general character.

I hope it is quite clear to the Commission that this proposal for partition did not originate either with the Government of Palestine or with me or with the United Kingdom Government at home. Lord Peel made it quite clear in his speech in the House of Lords that for a long time the Royal Commission examined document after document before it went to Palestine, and while in Palestine was seeking solutions of the problem strictly within the existing mandate; indeed, from much of the report, it is quite clear, in what is called Part II, that the Royal Commission went very exhaustively into what remedial and

other measures could be adopted inside the existing mandate. It was only towards the end of its stay in Palestine that hints--I cannot put it higher than that--were thrown out to the Commission by individuals that it was worth while considering--and the hints came both from Jews and Arabs privately to individual members of the Commission--whether a solution on the lines of partition was not worth exploring ; and the more they thought about such a solution--so I was told by all the Commissioners--the more that solution crystallised in their minds ; but it was not until they came home that they began to elaborate and examine the question. I want to make it quite clear that at no stage did they consult me or I consult them. The only thing I can remember saying to them was when they were leaving for Palestine. At the station, I said to Lord Peel: "All I ask for is the whole truth. What we want to get at is the truth".

Why did I say that? Why, because every Government, and particularly the Government of a mandatory Power, naturally wants to make the best case it can for what is going on in that particular year. Looking back, I do not hesitate to say that in my view some of the annual reports on Palestine have been definitely the result of endeavouring to view the position in the most optimistic light, in the best possible light consistent with truth, and that for a long time past there has been a tendency to make out the best case in favour of the view that the administration, in observing the mandate faithfully and in doing its utmost to carry out its obligations, was being successful in overcoming its inherent difficulties. That must be borne in mind in considering the situation which we have to-day. No country, particularly a mandatory Power, likes coming before a lot of other countries and washing its dirty linen in public and saying: "Well, this thing is not going very well". I think the Royal Commission's report does contain the truth in retrospect over the whole period of the operation of the mandate.

Another comment which may be made is this. People may say: "Oh, well! The Commission went out to Palestine at a bad time. There had been a six months' general strike by the Arab population. There had been serious crime and outrage, and the whole country was sore and angry, both Jews and Arabs. It is very difficult in those circumstances to paint a true picture."

That is why the Commission has not confined itself to the events of last year ; it has taken this survey of the whole story from the beginning of the mandate in previous years, and I do sincerely believe that it did its best to discount the bad situation it found and to look at the thing broadly and to take a long view. That is confirmed by my first interview with the High Commissioner, Sir Arthur Wauchope, when he came home this spring. I had never met him before. He came home just after the Commission had returned from Palestine. I saw him then for the first time, and I discussed the situation generally. He said: "Under four of your predecessors--under Lord Passfield, under Lord Swinton, under Mr. Malcolm MacDonald and under Mr. Thomas--with their full agreement, I used every effort to pursue a policy of conciliation". You know Sir Arthur Wauchope--he has appeared before you--you know his whole temperament as a most sincere Christian, a man of goodwill. He spared no effort for six years in pursuing the policy of conciliation, and I believe that he earned immense gratitude on the part of Jews and Arabs for his efforts throughout that long period. But the first thing he said to me was: "Nobody

recognises more clearly than I do that my efforts at conciliation have failed, and that we must have a new policy".

That is all I will add to what I said yesterday in regard to the general position; and now I pass to quite another aspect of the question.

My predecessors at the Colonial Office, and the High Commissioner, had always hoped that the creation of a Legislative Council in Palestine would be a step forward, that it would be, at any rate, a remedial measure leading to an improvement of the political situation in that country. The history of the efforts to create such a Legislative Council in Palestine is one from which we must learn in connection with our discussions of what has to be done in the future. The project failed. It failed both in Palestine and in London. It failed in Palestine, because the Arabs did not think it gave them enough power and because the Jews were hostile. It failed in London because, though it was sponsored by the Government, no support was forthcoming in either House of Parliament. The first debate took place in the House of Lords, when the Under-Secretary for the Colonies was the only speaker who supported the proposal for a Legislative Council. All parties and all groups in the House of Lords opposed it. That debate was followed by one in the House of Commons, at which I was present, and (apart from one speaker who usually speaks rather from the Arab point of view and who favoured the measure, and another who talked about cantonisation) the House was solid against the project. My predecessor had a very difficult day.

Accordingly, we have to write off the idea of the possibility in the near future of a Legislative Council of Jews and Arabs combined as a way out of the difficulties before us.

It is my belief that the failure of the project for a Legislative Council was, as the Royal Commission points out, one of the principal aggravating causes leading to the outbreaks. It may not have been the main underlying cause ; but it was certainly one of the principal aggravating causes.

I can now turn immediately to the existing situation and examine the problem of partition as a solution. It is quite clear that no project for the solution of the Palestine problem by means of partition can be effected unless there is ultimate co-operation with either the Arab or the Jew, or both. Before I go into the problems that arise in connection with any scheme of partition, therefore, the Commission will want to know at an early stage what are the forces working for and against partition in the Jewish and Arab minds.

No one expected, when this novel and far-reaching idea was first put out, that anybody would jump at it ; and it was inevitable, the circumstances being what they are, that neither Jews nor Arabs would readily commit themselves to accept the principle. Both, naturally, adopted a tactical attitude.

I will take the attitude of the Jews first. We have every reason to believe that quite a number of Jews are prepared to consider a solution by means of partition if, by doing so,

they can obtain certain things. They are prepared, in accepting the principle, to use it as the base for an endeavour to obtain what they want. We must remember, however, that there are some Jews who, both now and probably always, are not only disappointed by a solution by means of partition but are definitely opposed to it. They oppose it on the ground that the project for a national home is being circumscribed to what must inevitably be only a comparatively small part of the original plan. There are others too, and we must bear them in mind, who, while having always favoured the idea of a national home in Palestine as a means of finding refuge for distressed Jews, have always shrunk from the creation of a Jewish State, however small, and all the responsibilities therein involved. There are also those who are, and always have been, keenly anxious for the ultimate achievement of that project. Again, there are those who have been apprehensive of the creation of a Jewish State because of the effect which that would have on the position of Jews in other countries.

Now as to the point of view of the Arabs. I think it is quite clear that the Trans-Jordan Arabs will welcome anything which implies their unification with their brothers in Palestine and the termination of the mandate for Trans-Jordan.

Equally, there is no doubt that, after all the struggles of the last years, a large number of Arabs in Palestine, and particularly those Arabs who live in the area which it is proposed to make into a Jewish State, must (at any rate, to start with) be expected to be hostile. Again, it is obvious that even those Arabs who have contemplated partition are not going to accept this or any scheme unless they feel it will give them certain essential things--a reasonable standard of financial stability, a sure means of import and export, a real Arab sovereign State which they can say is as sovereign and as independent as Iraq is now and Syria is about to be. Therefore, they too, in the coming period, are bound to play for a tactical position, and no negotiations with either side are going to be easy.

As regards the Jewish attitude, a meeting takes place next week of Jewish delegates from all over the world, in which Dr. Weizmann will say what he has to say ; and no doubt we shall know a great deal more of the political possibility of a solution by partition when we see what emerges from that Zionist Congress.

I do not think at this stage I can add anything more on the political side. I turn now to what is assuredly no easier than the political problem--the territorial problem. There I would lay down one or two principles.

First, it is no use considering the establishment of a Jewish State unless within the boundaries of that State the Jews are from the outset in a majority. To start the Jewish State on its career with the non-Jews in a majority would, I believe, mean failure at the outset. As you will see, the Royal Commission's report states that efforts will have to be made--however small the Jewish State--to endeavour to arrange some transfers of population (paragraph 35, page 389). But that will take time; and do not let the Mandates Commission imagine that transfers of population--particularly of Arab cultivators wedded for generations to their land--is going to be an easy matter ! It has been the cause of a lot of trouble already in Palestine, where Jews have acquired land and displaced the

cultivators. The movements of Arab families out of any projected Jewish State is bound to be a slow, laborious process.

Perhaps, before I say anything more about any territorial proposals that seem to be possible, I ought to state the view of the United Kingdom Government as to the possibilities of transfer, assuming the Arabs are prepared to move. We obviously want a new expert body to investigate that question--and we want it early in any proceedings--if we are to make any advance towards a solution by means of partition. We have some data. One of our most experienced agricultural officers says he is confident that 100,000 families could be settled in Trans-Jordan alone, apart from any possibilities in Arab Palestine. It is true that apprehensions on the part of the Arabs in Trans-Jordan in regard to infiltration by Jews and Jewish settlement have tended to discourage any large-scale economic developments in that region. The Arabs of Trans-Jordan have preferred to live in their old way. But they would take a very different view, if money for the development of Trans-Jordan were forthcoming out of somebody else's pockets, and if they knew that the development was for the benefit of Arabs. Therefore, I think we have every reason to hope that, outside any area such as is suggested for a Jewish State, there is room for a considerably larger Arab population and for Arab economic development, particularly in Trans-Jordan.

May I say a word about further economic development in Palestine under any scheme of partition? No doubt the Jews have made representations and will make representations about

the Negeb--that is the area in the south of Palestine. The Royal Commission explored what is called the "southern solution"--that is to say, the setting aside of a considerable area of undeveloped land in southern Palestine as a field for Jewish endeavour. A great difficulty is, however, that, between the area of Jewish settlement terminating just south of Jaffa and the southern boundary of Palestine, there are even more Arabs than there are in the area the Commission proposes to include in the Jewish State in the north, so that it would be impossible by means of a southern solution to create a Jewish State in which the Jews start in the majority except in a serpentine form too fantastic to be practicable.

As to the Negeb, the evidence such as we have is necessarily scanty. Wells have been bored; but the water has been found to be brackish. At present it is a country where there is what the scientists call symbiosis of man and the camel--by which is meant that man is dependent on the camel. It is a Bedouin country, where the camel can live and drink rather doubtful water, and carry water for his master. The two move about wherever there is camel grazing. It is an arid, though not absolutely desert, country with a low rainfall. In this connection, the only other thing to be said is that from archaeological evidence there has undoubtedly been permanent human settlement in that area in the past, notably in two periods of history. The first was in the time of ancient Egypt, when we know from other records that Palestine generally was a thickly afforested country and was a source of timber supply for ships and boats. There are archaeological remains going back to Pharaonic times, when those conditions obtained in Palestine.

The only other evidence of permanent human settlement in that area is in the Byzantine

period just before the Arab conquest. In the fourth, fifth and sixth centuries of our era, there seem clearly to have been considerable settlements based upon water brought from catchment areas north of Beersheba down to the channels in the south. But from other archaeological evidence of late Roman and Byzantine remains in Trans-Jordan it is clear that the whole of that country had a higher rainfall than it has to-day ; and I think we cannot reckon that Southern Palestine south of Beersheba down to the Gulf of Aqaba can (unless millions of pounds are spent on pipe-drawn water from central Palestine) ever become an area of really intensive, or anything like intensive, agricultural development. There, if ever, there was an opportunity for co-operation between Jews and Arabs. It is at present a wholly Arab area; and, if there is peace in the future, there might be co-operation there. But the idea of putting that area here and now into a detached Jewish State must, I think, be ruled out. If we are to be practical in any scheme of partition, the first thing to do is to make the Jewish State as compact an area as possible with a definite single frontier.

Looking at the map of Palestine, one could no doubt imagine enclaves upon enclaves and even enclaves within enclaves, but that is not a practical policy. The criticism that the Royal Commission report proposes the creation of a "Polish Corridor", an "East Prussia", a "Danzig" and a "Memel" has got to be faced. I shall have something to say later on that point.

What I have to say now I want to put, not as an expression of final views, but as a series of exploratory observations. The Royal Commission's proposal and map were put forward as illustrative of a possible solution. But before we exercise our critical faculties on the map, it is desirable to see what are the limits of any eventual proposal.

I will begin with what I may call the "East Prussia" of the scheme, that detached piece of the Jewish State which lies south of the proposed Arab town of Jaffa. Jaffa is, of course, a solid Arab town, an Arab port, worked by Arabs and, incidentally, the place where perhaps the acutest friction between Arab and Jew has taken place in successive disturbances. The close contiguity of Arab Jaffa and the great new Jewish city of Tel-Aviv is one of the root problems of Palestine. The Jews in recent years have, as it were, "encircled" Jaffa. Jaffa remains an Arab urban island almost entirely surrounded by Jewish settlements. The area south of Jaffa contains some of the most cherished and most firmly established Jewish colonies--Rishon le Siyon and Rehoboth. Königsberg was the home of Kant. Dr. Weizmann's own home is in Rehoboth, in the very centre of the Palestinian "East Prussia", an area of intensive Jewish achievement, the loss of which to the Jews would be taken very ill. The possibility of their being asked to give up that area is extremely difficult to envisage, although if we were drawing scientific frontiers and making the thing without regard to the existing population basis or the course of recent developments in Palestine, it is quite obvious that it would be much more convenient to have the Arab State to the east and south, the Jewish State to the north, and the British enclave (which I shall be coming to shortly) between the Arab State and the southern frontier of the Jewish State. I raise the point because it has been a point raised alike by the Arabs and by every scientific geographer. Herein lies one of the first of many difficulties.

I pass to the other end of the western front of Palestine. From what I have seen of Arab reactions since the publication of the Royal Commission's report, I should say that, if there is one point of detail on which they fasten more than another, it is the suggestion that Acre, in the extreme north, should be in the Jewish State. Acre is an almost entirely Arab city, for which the Arabs have a very special sentimental feeling ; and, of course, the Jews in Acre and immediately to the north of it, between Acre and the Lebanon frontier, are in an insignificant minority. In the town of Acre, there are 8,550 Arabs and only 250 Jews. Immediately to the north of Acre is a solid Arab district, and that district and Acre, densely occupied, make up an important section of this very large Arab minority which it is proposed to place under Jewish Government in the Jewish State. As against that, we have to reckon that the Jews, restricted in the area of possible agricultural settlement, with the pressure of European conditions behind them, are bound to industrialise ; and the obvious place for them to industrialise is in the Haifa-Acre Bay. They own already nearly all the land between Haifa and Acre, which was formerly a malarious district. They have reclaimed it ; they are settling it; and all around from the Bay of Haifa new Jewish industries are springing up, necessarily based upon the port, the only really good port in Palestine.

Now I will come back to the proposed British enclaves. It is proposed that two of them should be permanent and two temporary. The permanent enclaves consist of (a) Jerusalem and a considerable area round Jerusalem and (b) the Nazareth enclave in the middle of the Jewish State. I believe there are almost no Jews in Nazareth: it is a purely Christian town, and it is quite as much a holy place from the Christian point of view as Bethlehem or Jerusalem itself. Immediately round Nazareth there are Arab Christians and a few Arab Moslems who are, as it were, dependent on feeding and providing and marketing in the town of Nazareth. Therefore I think there will have to be a definite British enclave in the middle of the Jewish State there.

A word or two about the Jerusalem enclave. Nobody realises more than I do that the scheme as at present outlined by the Royal Commission is naturally criticised by the Jews on the ground that the Jews are to forego for all time all part or lot in Jerusalem. They point to the fact that the Royal Commission itself proposes that at one end of the proposed British mandated corridor there is to be the isolated Arab town of Jaffa, not in either the British Corridor or in the Jewish State, but as a detached enclave of the Arab State, an Arab port under Arab control and Arab sovereignty. If that is possible, the Jews say ; "Why cannot you give us some part of Jerusalem?"

It is not an easy question. Many people sympathise with Jewish aspirations to have an enclave within the British enclave. The Archbishop of Canterbury spoke in the House of Lords in support of the Jewish claim. The matter has not been explored in detail, but it bristles with difficulties. Why? Because it means another series of complex frontiers. As the Mandates Commission is aware, the Holy City--that is to say, the old Jerusalem within the walls--is a place where Christians, Moslems and Jews are all mixed up together. Even in Greater Jerusalem, the new Jerusalem, it is extremely difficult to find an area which is solid Jew, without Moslems, without foreign settlements, foreign

Christian settlements, German colonies, convents and other places of European religious orders, Greeks and the like. The problem, therefore, of meeting the Jewish request for a definite element of Jewish sovereignty in or near Jerusalem, which will do away with the cry of "Zionism without Zion", is a really difficult practical problem, comparable for its complexity to the Jaffa problem.

The first, and by far the most difficult, problem facing the mandatory Power is the problem of public security in a country where racial and religious emotion is the main cause of crime. The problem of a single city in which a line has to be drawn down a given street--as it would have to be drawn in Jerusalem--with British mandatory rule and British police and British courts of justice on the one side of the street and Jewish police, Jewish courts of justice, Jewish law and the like on the other is, *qua* problem, positively baffling. It would mean extradition and all the machinery of international arrangements. The problem is solved, I believe, in the case of Fiume and Suak by the presence of a river between the two, which serves as a frontier between Yugoslavia and Italy. But in a city like Jerusalem it would not be easy, with the best will in the world, to give the Jews a fragment of Jewish sovereignty within the city of Jerusalem.

Now let me say one more word about the nature of the British mandatory corridor. Why do we want more, and why do we think it is essential to have more, than just the actual Holy Cities? In the first place, from the point of view of population, the boundary ought to be designed, and can be designed, to include a considerable number of the Christian population. We are apt to forget, in this great Jewish-Arab quarrel in Palestine, the presence of 100,000 Christians in the country--some of them Arabic-speaking, it is true, some of them not, but Christians of all kinds; and undoubtedly the great bulk of the Christians throughout Palestine would rather be under British mandatory government than either under Jewish government or under Moslem-Arab government. There is an appreciable number of Christians in and around Jerusalem, and immediately south of it in Bethlehem, while in the neighbourhood there are other almost solidly Christian towns.

But, of course, that is not all. If we are not merely to police, and be responsible for, the Holy City, if we are to remain in Palestine and to render assistance both to the Arab State and to the Jewish State, and to preserve the peace between them, and--a point which will have to exercise this Commission before we are through with this matter--if there are to be special provisions in regard to the safeguarding of minorities in either State, we have to have an effective base on which to rest. We have to have somewhere where we can retain the necessary reserve forces, some necessary control of communications, some permanent mandated area, which will enable us to guarantee in some measure the future history of a divided Palestine. We do not want more responsibility than is necessary to carry out our duties. We want to give the Jews and Arabs the maximum practical amount of self-government. But, if we are to be permanently responsible for Jerusalem and its neighbourhood as well as for Nazareth, we must, I think, have Jerusalem and the country lying between it and the sea, including Ramle and Lydda, if only because they happen to be the present cantonments and headquarters of the British troops and Air Force. All our equipment is there: the aerodrome is there: the principal railway junction in Palestine is there. It is a base which will enable us to carry out our responsibilities--no light

responsibilities in view of the complexity of this scheme.

The Royal Commission has omitted to point out, in connection with its provisional map, that it has drawn the proposed corridor in such a manner as to exclude the sole water-supply of the city of Jerusalem. The Palestine administration, with some assistance from the United Kingdom Government, has at long last produced at great expense an adequate water-supply for Jerusalem, which is a city of 125,000 inhabitants. The supply, pumped up for a height of about 3,000 feet, comes from Ras-al-Ein, which is a little to the north-east of Jaffa and almost exactly on the frontier between the Jewish State and the Arab State, some miles north of the proposed British enclave. That is just an example of the complexities which, as I have told the Commission, were in our minds when we were considering these difficult questions of territorial settlements.

I will now say something about the proposal, mentioned on page 385 of the Royal Commission's report, that the towns in Galilee in the area of the proposed Jewish State should be temporarily under British mandatory responsibility. I have already dealt with Acre, and I need say nothing further about that.

The next towns to be considered are Tiberias and Safad, where--not only during the most recent disturbances, but particularly during the disturbances of 1929--most serious incidents took place. Next to Jerusalem, they are, from the Jewish point of view, the only two other places which may be called holy cities, to which, in the Jewish mind, a definite religious character attaches. Undoubtedly the ultimate destiny of these towns lies in the Jewish State. The Jews will probably ask for specific dates on which they are to be handed over; but I think it would be very unwise to fix such dates. Such commitments almost always lead to trouble.

I have left until the end the most difficult problem of all, that of Haifa. At Haifa, nobody is in the majority. Jews and Arabs are almost equal in number. It is now a great city of over 100,000 inhabitants; and, though there are a few more Jews than Arabs, the excess is very small and the population is very mixed. The balance is made up of foreign nationalities; for Haifa is the commercial capital of Palestine. It has the one really good harbour: it is the terminus of the pipe-line to Iraq, where ships not only take the oil but will, in due course, no doubt call for refuelling. It is also--we may as well face the fact--the strategical key to Palestine. It is the headquarters of the railway system of Palestine, and the railway workshops are there. It is the port of Trans-Jordan and the bulk of the traffic in and out of Palestine passes through it, although there is also traffic through Jaffa and a little through Gaza.

It is perfectly clear that a special regime will have to be established in Haifa with all its inevitable complications in regard to Customs and the like.

I will conclude with one reference to a matter which is already in a well advanced stage of exploration--namely, the appalling complications which are bound to arise in regard to Customs duties and Customs frontiers, given the inevitability of enclaves and the inevitability of the establishment of two States in what, hitherto, has been a single

country. It must obviously be the aim, in searching for a practical solution on the basis of partition, to reduce the number of Customs posts and frontiers to a minimum ; and I take the view that the British mandatory area should be allowed to form a Customs Union with either of the States.

I refer to this point because there is no doubt that, if both Arabs and Jews are granted their independent States, they will not join in a Customs Union. The Jews wish to develop industrial production. They have their scientists and their skill: they can import raw materials to Haifa by sea: and they have the land all around Haifa where they want to settle as many Jews as possible. They have an amazing scientific knowledge and the wonderful Jewish gift of making good in commerce and in all that kind of activities: but they have always made it perfectly clear that they can only attain that industrial development on the basis of protective duties, at any rate at the beginning.

The Arabs, on the other hand, have always complained about the protective duties which exist in Palestine to-day. They are a non-industrial people and do not wish to export anything except agricultural products, or to produce anything but agricultural products. They complain that the Customs duties are now too high. An Arab independent State would be a country of low import duties. The Jews, on the contrary, would seek--for a time at least--to be a country of high import duties. To have a third system intermediate between the two and a series of Customs frontiers scattered along the railways and on every road in and out of the British enclaves is ludicrous; and therefore I think that, whatever may be the mandatory principle, it must be recognised that the only solution possible in view of partition and the system of enclaves is to permit the British mandatory authority to form a Customs Union with one or the other. Then, at least, there will be only two Customs systems and only one internal Customs barrier between the Jewish and Arab States.

I need say no more to indicate the kind of difficulties and complexities which must be admitted and faced in any solution on the basis of partition. The political case for partition is, I believe, abundantly clear ; but it is no use having a political case, unless we are able to show how, in fact, it is possible to work out a scheme whereby decent government can be assured in the country as a whole. I have made no attempt this morning to solve, or to suggest how one might solve, the difficulties: but it is important that the Commission in considering the whole matter should have the whole of these difficulties clearly in mind. I certainly do not ask the Commission to offer solutions at this session; that is for the future. But it is right that the Commission should have the difficulties in mind when I ask them to recommend to the Council that they should authorise the first steps towards a solution by means of partition.

The CHAIRMAN thanked Mr. Ormsby-Gore for his statement and agreed with him that the difficulties were great and the solution contemplated by the Government of the mandatory Power somewhat complicated.

He proposed that the members of the Commission should ask the accredited representative such questions as they might think necessary to enable him to give

explanations concerning those points that they wished to see developed further. Those questions, asked with that definite object, could not be considered as implying agreement by the members of the Commission with the points of view put forward by the accredited representative.

Plan of Partition of the Territory (continuation).

QUESTION OF THE APPOINTMENT OF A BOUNDARY COMMISSION.

The CHAIRMAN wished to ask a question concerning a passage in the statement made on the previous day by the accredited representative. It was as follows:

"Indeed, the Royal Commission itself recommends that this should be referred in due course to a boundary commission. It may well be that preliminary negotiations may have to be undertaken before this boundary commission is set up, but the terms of reference to, and the nature and constitution of, such a boundary commission are obviously of great moment, and it seems to me that they constitute an essential step without which it will not be possible to formulate the form of a definite scheme. This, therefore, is a matter which I should like to discuss with the Mandates Commission at this session, for the subsequent next steps must be envisaged, steps which will have to be undertaken as soon as the Council of the League has pronounced on the recommendations you make to it at this session."

Was it to be understood that the accredited representative expected the Mandates Commission, in the course of the present session, to give an opinion on the frontiers proposed for "the British mandate" which was to be maintained in Palestine and for the two proposed States?

SIXTH MEETING.

Held on Tuesday, August 3rd, 1937, at 10.30 a.m.

Palestine: Examination of the Annual Reports for 1935 and 1936: Disturbances of 1936.

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

The CHAIRMAN recalled that, in considering the annual report for 1936, reference might be made to any passages in the report for 1935 or in the report of the Royal Commission relating to the same subject. Similarly, reference might be made to certain points brought forward in petitions, which had been submitted to the Commission in the regular course.

FORM OF ANNUAL REPORT FOR 1936.

The CHAIRMAN pointed out that the form of the report for 1936 was slightly different from that of other reports to which the members were accustomed, because it included a long introduction dealing with the disturbances. There was no Rapporteur for that part of the report, so that it was permissible for all the members of the Commission indiscriminately to ask questions.

PLAN OF PARTITION OF THE TERRITORY: GENERAL CONDITIONS WHICH
MUST BE FULFILLED
BEFORE THE MANDATE REGIME CAN BE BROUGHT TO AN END IN RESPECT
OF A COUNTRY
PLACED UNDER THAT REGIME.

The CHAIRMAN, referring to a point raised by M. Sakenobe concerning the maturity of the two States which it was proposed to set up, the Chairman drew the accredited representative's attention to the report of the Mandates Commission to the Council in 1931,^{1/} in which the Commission outlined the general conditions precedent to the termination of a mandate. The conclusions of that report had been adopted by the Council.

DISTURBANCES IN PALESTINE DURING 1936: TERMS OF REFERENCE
OF THE ROYAL COMMISSION.

Count DE PENHA GARCIA remarked that the accredited representative's statement on the very regrettable events in Palestine during a relatively lengthy period could be taken as a whole for discussion or it could be taken in detail.

He proposed to take it as a whole, and he would be glad to hear from the accredited representative what he had to say in regard to the first impression which the statement inevitably made. The disturbances began in a somewhat curious way. Side by side with sporadic disturbances, there was a movement directed by responsible Arabs against the Jews and more strongly against the mandatory Power. That was serious, because it meant that the Arab Higher Committee was taking up an attitude of actual rebellion against the mandatory Power. There were two factors, he thought, which were at work ; and they were not equally serious. On the one hand there was the conflict between the Arabs and the Jews: that was not new, and the Mandates Commission had had occasion more than once to consider sporadic incidents in that connection. On the other hand there was a concerted movement on a large scale, directed against the authority of the mandatory Power itself as well as against the Jews.

When the details of the events in question were considered, one was somewhat surprised to see how long the mandatory Power waited before taking the necessary measures to suppress a movement which had assumed the dimensions of a real rebellion and could not be treated as a mere series of disturbances. It might be said, no doubt, that it was desired to try milder measures first: but the fact remained that the Mandatory was faced with a real rebellion, and for months took none of the steps which should have been taken, and later were taken, to suppress it. A day or two earlier, Mr. Ormsby-Gore had explained the

Jewish attitude at the time. The Jews were unwilling to organise their own defence, as it would have been natural and legitimate for them to do. They called upon the mandatory Power to do its duty. Later, the mandatory Power thought fit to make some use of the Jews in the suppression of the movement.

Count de Penha Garcia would like to know what were the reasons for that weakness or, if it were not weakness, that lack of resolution and authority in the immediate suppression of what was nothing less than rebellion.

Mr. HALL, in reply, said it was perfectly true that the movement of disturbance in Palestine was directed both against the mandatory Power and the local Palestine Government and against the Jews. It was directed primarily against the mandatory Power because, in the minds of the Arabs, the mandatory Power was associated with the policy of facilitating a Jewish national home--which the Arabs regarded, wrongly, as a pro-Jewish and anti-Arab policy. To say that it was a concerted movement against the mandatory Power in the sense of having occurred in accordance with a pre-arranged plan, was, he thought, quite incorrect. It was a spontaneous movement. One must remember that, at the time the outbreak occurred-- it broke out in Jaffa--the Arab leaders were negotiating with the High Commissioner about the despatch of a delegation to London to discuss the question of the Legislative Council and the questions of immigration and land. Previous to that discussion, it was true, there had been much bitterness and excitement among the Arabs as a result of the debates in the House of Commons, from which the Arabs gathered that the project of a Legislative Council would be abandoned, and they deduced--again wrongly--that it would be abandoned because of Jewish pressure on Members of Parliament and on Ministers in London. There was very great bitterness in consequence. It was argued that the Jews could put their case, while the Arabs had no such opportunity. Then the suggestion was made to the Arab leaders that they themselves should send a deputation to London to see the Secretary of State and to have an opportunity of talking to leading statesmen in London. That proposal was put forward at a meeting between Arab leaders and the High Commissioner and was accepted unanimously by the Arabs.

At that date, which was shortly before the disturbances, the principal immediate interest of Arab leaders was to secure the representation of their party on the delegation. Also the question of finance was being very closely discussed. The suggestion of a delegation, in short, had produced an immediate political *détente*; there was no doubt about that. Before that suggestion was made, there had been great anger. The anger had in some measure subsided; and at that time, though he could not say there was any friendly feeling towards the Mandatory, there was a lively interest in the formation of the delegation. It had to some extent taken the place of the debates in Parliament in people's minds, although the rancour aroused by those debates still remained; and there was at that moment no particular reason to apprehend any immediate outbreak of serious trouble on the part of the Arabs. Of course, in Palestine at any moment there might be serious trouble ; a spark in Palestine was liable to kindle a large conflagration.

Then had occurred that disastrous chain of events at Jaffa. Even then there was no real

organisation of uprising in Palestine. That developed very much later. At first the movement was spontaneous and formless. The initial demand for a general strike did not come from the leaders; it came from a committee hastily formed in Nablus. That proposal had an echo throughout Palestine. Other similar committees sprang into existence. The Arab Higher Committee did not come into being until five or six days later ; it was thrown up by the movement. The movement was taken up by all Arabs, some, a small minority, supplementing it by acts of violence. From the beginning--that was to say, before the Arab Higher Committee was set up or leading Arabs were consulted, the suggestion was made that the general strike that had been spontaneously declared should continue until there was evidence of a change in the policy of the Mandatory in the shape of a stoppage of immigration.

The spontaneous demand that was made by all the Committees, even before it was sponsored by the Arab Higher Committee, when that was set up, was for the immediate stoppage of immigration. To understand that demand fully, one must look back into history. The Arabs had observed that Sir Herbert Samuel stopped immigration after the outbreak in 1921, and thought that he had done so as a result of the outbreak. Again, after the outbreak in 1929, immigration was so drastically limited as to be practically stopped. The Arabs thought that this time also the mandatory Power would fall in with their demand. They did not know that the mandatory Power had other intentions, and that in fact there was a fixed determination on the part of the mandatory Power *not* to stop immigration as a consequence of the disturbances.

Consequently, the Arabs were in a dilemma and could not get out of it. Throughout the disturbances, moderate Arabs tried to find a bridge over which they could retreat. Eventually they found a way out in the appeal from the Arab Kings for an unconditional stoppage of the strike and the disorders. It was desirable that the Mandates Commission should have that explanation in view.

He could not admit that Count de Penha Garcia's statement as to the mandatory Power's not having taken prompt measures to nip these troubles in the bud was in accordance with the facts. The Palestine Government *did* take prompt measures to stop the troubles. For months before they broke out, the Government, in consultation with its military and police advisers, had prepared a security scheme; and, immediately the disturbances broke out at Jaffa, the scheme was applied on the lines pre-arranged. Soldiers were moved up to support the police; and the disturbances which broke out in Jaffa at about 10.30 were quelled by 2 o'clock. The Defence Order-in-Council and emergency regulations were proclaimed that same evening. All forces were moved to their "action" stations in Palestine. Naturally, the Administration could appreciate the disturbances in Jaffa only in the light of contemporary events and the situation existing at that time. It was not in the happy position of its critics to-day who were able to indulge in what had been called retrospective prophecy. There had been many riots in Palestine and various methods were used to quell them ; and those methods had been successful.

The day after the Jaffa riots there was an outbreak of rioting in the borderland between Jaffa and Tel-Aviv--that was to say, between the Arab Saknat Abu Kebir and the Jewish

Catton quarter. The cause of those riots was never finally established. The Jews said that the Arabs were about to attack them, and the Arabs said the Jews had burned some Arab huts. The police had to intervene and to fire both on Arabs and Jews. That disturbance was quelled in two hours by the police, assisted by the military.

The first manifestations of disturbance in Palestine were accordingly quelled by means previously concerted and with promptitude. Further measures to deal with the extension of the troubles throughout the country were taken with equal promptitude. But the Administration never anticipated--and nobody could have anticipated--the precise form that the movement would take. The rebellion, as Count de Penha Garcia had called it, had very few of the features of rebellions as known, not in Palestine only, but throughout the world. It had no military objective ; it was hydra-headed. If it had had a military objective, like a normal rebellion, if it had been directed against a particular town, it would have been easier to quell. The forces at that time available were considered ample. They proved later to be inadequate, and they were reinforced in the light of circumstances. If the disturbances had developed on normal lines, they could have been quelled by the forces available. But those developments were lacking. The rioting in the towns ceased almost at once, and its place was taken by dispersed and isolated attacks on communications, destruction of property and sniping at individual Jewish settlements at nightfall and in the very early morning. At one moment it was at Nablus, then right in the north, and then in the south. It was sporadic and disorganised. Later, bands began to form and to attack road transport, etc.

Let it be remembered that the Arab villager readily resorted to arms when he had an opportunity. If an Arab had a quarrel, for instance, about the cutting-down of a fruit tree or a bad deal about a cow, there was danger that he would rush off half a mile from the village, dig up a rifle that he had hidden, and attack the other man. Arabs took life very lightly, just as they were ready to give their lives very lightly. That was one of the difficulties of the situation.

The Administration was faced with a problem which needed almost day-to-day improvisation on the part of the military and police authorities. The trouble never presented itself in a concentrated form permitting of a striking and dramatic blow such as would have discouraged the remainder of those elements that were disposed towards disturbance.

Again, Count de Penha Garcia asked why the Government did not arm the Jews, or rather, why it was slow in arming them. It was a primary objective of the Government in its handling of the disturbances to prevent increased bitterness between Arab and Jew. If it had adopted the Jewish proposal which was pressed upon it at an early stage and had proceeded to arm Jewish units to operate as military forces, that bitterness might not have lasted for a day, but for all time. Moreover, the Palestine Government was naturally not uninfluenced by the enquiry made by the Shaw Commission into that very problem. On that occasion, Jewish witnesses appeared before the Commission and complained that the Jews had not been armed. The Shaw Commission concluded--unanimously, he believed--that the Administration had been wise not to arm the Jews. That was at the time the only

recorded and authoritative opinion on the question of arming the Jews against Arabs. It could not lightly be disregarded. Later, it was felt that the Jewish settlements were so dispersed that a departure from that policy was necessary; and, at a fairly early stage in the disturbances, at the beginning of June--some 560 Jews were armed and enrolled as supernumerary police, trained and used for the defence of their settlements. That number was increased gradually to (roughly) 3,000, which was approximately the number of the total police force at the time the disturbances began.

Again, it had been argued that the Government ought to have increased the security forces in Palestine more than it did, so as to be able to deal with this form of disturbance. The Government did increase them. The Palestine Government and the accredited representatives had been criticised by the Mandates Commission from time to time for spending too little on social services in Palestine. There had been a vicious circle. Whenever the Government wanted to spend money on social services, it had to spend money on security. It had to rob the social services--the development of which might indeed have led to less tension and less bad feeling--in order to ensure, or try to ensure, the protection of life. If the Commission followed the growth of the security forces of the Government through the annual reports of the last few years, it would see that there had been a very large extension. He maintained that, within the limits of the Government's financial capacity, it had increased the security forces to as great an extent as any thinking person would have considered necessary in the light of events as then known.

Count DE PENHA GARCIA said that he had listened to the last statement with the keenest interest. He was nevertheless anxious to put one further question, which he thought to be of some importance. A perusal of the annual report of 1936 showed that insecurity had been prevalent in Palestine for a period of several months. Mr. Hall had just argued that there was no question of a concerted movement; yet the mandatory Power had drawn up a plan for the defence of the towns, doubtless as a result of the anxiety caused by information supplied by the police. The striking fact was that, although there may not have been a concerted and organised movement before April 20th, 1936, a first step towards organisation was taken on that date; from that moment certain persons became responsible for the movement. Soon afterwards, on April 25th, the Arab Higher Committee was set up. As early as April 19th, the Government took the legislative steps required to enable it to put down any disorder by force of arms. He concluded, therefore, that, on April 25th, an Arab Committee, composed of individuals exerting a considerable influence among Arabs, was in charge of the movement. What measures had been taken against those responsible--that was to say, against the members of the Arab Higher Committee? Were they arrested? Were they taken before the Courts? Was any other action taken? If one followed the chronological sequence of events, two facts became clear. In the first place, Lieutenant-General Dill reached Palestine in September--that was to say, several months after the beginning of the insurrectionary movement. In the second place, in the following month (October), the Arab Committee, after an intervention on the part of the Arab Kings and Princes, gave orders for the stoppage of the strike, which ended forthwith. He was not aware of any connection which might exist between those two facts. In any event, it was clear that, from the official point of view, the body responsible for the movement was the Arab Higher Committee. What measures had been

taken against its members?

Mr. HALL said that Count de Penha Garcia had taken up the point that preparations had been made for preserving security before the conflict took place, and from that had--quite rightly--deduced that the Palestine Government realised there was danger of an outbreak. That was never disputed. It was clear from the Royal Commission's report that almost from the beginning there had been danger of an outbreak.

Tension between Arabs and Jews had increased practically year by year ; the smallest incident might have caused a serious outbreak. If the Palestine Government, in conjunction with its military advisers, had not produced security schemes which were revised from time to time, it would have been open to serious criticism. In fact, the schemes were revised shortly before the disturbances and a slightly altered plan was evolved.

Tension had existed for years in Palestine. It was part of the British argument that there was an irreconcilable conflict between the two races.

Again, Count de Penha Garcia had said that there was no security for months on end in Palestine. That, Mr. Hall felt, was an exaggerated statement; there had been a considerable measure of security in parts of Palestine throughout. Possibly the task of suppressing the disturbances would have been easier if there had been general insecurity, because in that case the whole population would have been guilty. Actually, a small proportion of the population was guilty. One of the difficulties was how to avoid wounding and killing innocent persons. The Administration had endeavoured to pursue a policy of discriminate, as opposed to indiscriminate, action.

After the first few months, the roads were reasonably safe and transport was able to move freely under convoy during the hours of daylight. The railways, with certain interruptions, carried large numbers of people. The towns were safe except for isolated incidents ; and, in speaking of the towns, he thought it was only fair to the police in Palestine that the Commission should realise the difficulty of preventing isolated outrages. If an Arab was prepared to kill any Jew in any circumstances and without any motive except that he was a Jew, no force of police however numerous would be able to prevent isolated murders. The criminal need only wait at a street corner until the police had moved away, and could then shoot his man and escape. The police had been very much criticised; and the exasperation of their critics--that was to say, of the Jews who claimed that their lives were not protected--was understandable. It must have been a horrible thing for the Jews to see their fellows killed in the streets. The explanation must, however, be borne in mind ; no police force, however efficient or numerous, could entirely eliminate murder without any motive except that of race.

Count de Penha Garcia had further asked why legislative action was not taken against the Arab Higher Committee or members of it. That was a big question. To begin with, the Arab Higher Committee, as Mr. Hall had tried to explain, had been thrown up by the movement: it had not started the movement. The movement was general throughout

Palestine, and in its earlier stages--indeed, until the later part of the disturbances--entirely spontaneous. Only in its last few months, when the disturbances were drawing to a close, was there any considerable intimidation of moderates. The Arab Higher Committee, although it publicly identified itself with the general strike, never identified itself with violence; in fact, on May 15th, in a public statement, it advocated peaceful methods and non-violence.

It was true that, at the same time, it recommended the Arabs of Palestine not to pay their taxes, in accordance with a decision taken by a congress of local committees over which it presided. But it must be remembered that, had the Arab Higher Committee not identified itself in some degree with the general strike, it would have been at once thrown over, and in the later stages its members might have been in danger of their lives. As was known, certain moderate Arabs had not only been threatened but, in the later stages, had been killed by some of the wild young men inspired with nationalistic ideals.

Secondly, it was not true to say that no action had been taken against the Arab Higher Committee. One of its most extreme and influential members was put into a concentration camp for practically the duration of the disturbances, and was not released until they came to an end. The man who replaced him, also an extremist, was similarly interned.

Two things had to be kept in mind. First, had the Arab Higher Committee committed any illegal act? The only illegal act committed by the Arab Higher Committee was its identification with the policy of non-payment of taxes. Perhaps it would be said that, immediately the Arab Higher Committee identified itself with that policy, it should have been prosecuted. The first recommendation for the non-payment of taxes came from two other Arabs, members of a transport strike committee, who were prosecuted at once. They were each sentenced to pay a fine of £25. If the Arab Higher Committee--which incidentally was only one body among some 160 persons present--had been prosecuted with similar results, the prosecution would have acted as no deterrent, rather the reverse.

From that moment onwards, the Committee committed no known illegal act.

Various alternative measures against the Arab Higher Committee were very carefully considered from time to time by the Palestine Government and His Majesty's Government in the light of all the existing circumstances and of a close appreciation of the Committee's influence on events, and it was desired to take no further action than the internment of the two members previously mentioned. In that connection, it was noteworthy that the preaching in the mosques was moderate in tone during the earlier months and at no time were religious passions really seriously inflamed.

Count de Penha Garcia had argued that the Arab Higher Committee, which Mr. Hall had described as thrown up by the disturbances, had at any rate commanded sufficient authority to enable it to call off the disturbances. But that was only half the truth, or even only a fraction of the truth. It was his opinion that the Arab Higher Committee could not have called off the strike, had it not been for the intervention of the Arab Kings. The

Arabs of Palestine were very sensitive and responsive to opinion in the independent Arab States, perhaps, even more so than to the opinions of their own leaders. Had there not been that call from the Arab rulers, Mr. Hall did not believe the strike and disturbances could have been called off effectively. Further, it was his view that an appeal from the Arab Kings would not have been successful in the early stages of the conflict, even if it had been supported by the Arab Higher Committee. It was the fatigue of the strike, the growing weariness, the loss of money and livelihood, and especially the increasing military pressure (which had led, at a conservative estimate, to the loss of a thousand Arab lives) which, together with the appeal from the Kings, sponsored by the Arab Higher Committee, made it possible to bring the strike and the disturbances to an end. Without those forces, in his belief, the appeal would not have been effective.

As to the part played by the Arab Kings, it was a fact that, at an earlier stage, King Ibn Saud made enquiries as to whether he could use his influence in helping to put an end to the conflict and prevent further loss of life. In his communication, King Ibn Saud said that he had full confidence himself in the good-will of the United Kingdom Government and in the latter's determination to treat the Arabs fairly. The reply in effect was that the United Kingdom Government would be glad if he could use his influence to bring the people to their senses; but that there could be no concession to violence. The King then made enquiries and satisfied himself that at that stage--that was to say, about the end of May--no appeal by the Arab Kings would have been effective, unless it was based upon a concession by the United Kingdom Government in the matter of immigration.

He would read one independent commentary on what he had said. It was an extract from a speech of Lord Samuel, who, apart from being a very eminent Jew, was of course the first High Commissioner for Palestine. In the House of Lords on July 20th, he said:

"It is a delusion to think that all that is necessary is to remove the Mufti and that then all would be well. We used to hear that kind of thing in the old days with regard to Ireland. It was said, 'Only let the priests and the land agitators be quiet, and the Irish people will be entirely contented.' We used to hear it with regard to trade disputes and strikes. --'Only let the paid agitators be still, and the working-people will give no trouble.' We heard it in regard to India--'Arrest Gandhi'--and with regard to Egypt 'Arrest Zaghlul'. But movements of this kind cannot be dealt with in that way. As the Commission"--that meant the Royal Commission--" rightly points out, the Arab national movement is the same in Palestine as it is in Syria, as it is in Egypt and as it is in Iraq. It is analogous to the movement of Indian nationalism and similar movements in other countries of the world, and it is not to be disposed of easily and lightly simply by using the strong hand and applying methods of coercion."

Count DE PENHA GARCIA disclaimed any intention of criticising the mandatory Power's policy in Palestine. The aim of the Mandates Commission, in this highly delicate question, was to obtain the fullest and the clearest information, in order to throw light upon the situation.

The representative of the mandatory Power had just said that his country's policy in regard, for instance, to immigration after the 1929 disturbances had been wrongly interpreted by the Arabs and that this misunderstanding was among the causes of the present disturbances. This showed that a policy based on the very best intentions might often lead to results diametrically opposed to those expected to flow therefrom. In any event, the impression was clearly created--and it was important that it should be dissipated--that, during this period, a power had arisen in Palestine which for one reason or another was in a position to negotiate on an equal footing with the mandatory Power, and was still strong enough, on the arrival of the Royal Commission, to boycott that body for two months.

Mr. ORSMBY-GORE replied that the Royal Commission itself spoke about the three governments in Palestine--the Jewish Agency, the Arabs and the mandatory Government--and, where there were two highly race-conscious forces, it was almost inevitable that, particularly in times of crisis and of acute difficulty, the nature of those forces should become the more apparent. They were there, and he did not deny that they were there.

Mr. HALL added that the Royal Commission's reference was primarily to the Supreme Moslem Council, a quasi-religious body. Again it was necessary to go back into the old history of Palestine. The Jews were determined, very naturally determined, to create their own self-governing institutions; and they created the Vaad Leumi. The first High Commissioner, Sir Herbert Samuel, with his known fairness and impartiality, created as a counterpoise to that the Supreme Moslem Council and gave it certain powers and a permanent president.

M. SAKENOBÉ said that the accredited representative had told the Mandates Commission that all the riots were spontaneous. He had happened to read recently a book, "Jewish State or Ghetto", in which the author, J. M. Machover, spoke of the famous Fauzi ed Din el Kauwakji, who was the head of the Arab band which directed the troubles in Palestine. The author said:

"According to Kauwakji, as early as 1934 two schemes were worked out by him for the 'liberation' of Syria and Palestine respectively. For the purpose of elaborating those schemes, Kauwakji came to Jerusalem in 1934, where the matter was discussed at a special large meeting. He then went to Baghdad, and in April 1935 returned to Palestine to make the final preparations. 'After the strike in Palestine started', states Kauwakji"--this was the statement of Kauwakji himself--"in twenty days we were able to organise sufficient forces from Homs, Hama, Damascus, Druses from the Lebanon, and from Trans-Jordan and Iraq. We supplied our forces with sufficient arms and ammunition and drew up plans of the road which each was to follow so that we might meet at a certain place. We started our march with the blessing of God and reached our destination safely. . . ."

He desired to know whether, when during the disturbances the bands directed by Kauwakji entered into Palestine, the Palestine Government was aware of the fact. He would also be glad to hear what the accredited representative had to say on the above statement.

Mr. HALL explained that Fauzi ed Din el Kauwakji was not a Palestine subject. He had owed adherence to several States. He might in 1934 have been dwelling either in Iraq or Sa'udi Arabia, and he might have made the most grandiloquent plans ; but the Palestine Government knew nothing about them. Later on, he became an officer in the Iraqi army. Previously, he was concerned in the revolt of the Druses and escaped from Syria. To the best of the Administration's knowledge, he entered Palestine some time in August. The forces which then accompanied him and which he had then mobilised, organised, armed and equipped were a mere handful.

Mlle. DANNEVIG asked whether it had been impossible for the United Kingdom Government to prevent Kauwakji from escaping from Palestine into Trans-Jordan. Secondly, did the accredited representative know anything about Kauwakji's whereabouts at the present time? Thirdly, there seemed to have been a great many bands of criminals and mischief-makers of all sorts in Palestine, and the High Commissioner had been given powers to punish them severely. Had he exercised those powers? How many people had been punished, and how many of the fines which had been imposed had been paid?

Mr. HALL answered that every attempt was made, including some major military operations, to catch Fauzi Kauwakji, but he was afraid they had as little success as the security forces in Syria had in their attempts against him during the Druse revolt. There was no doubt Fauzi was an expert guerilla leader, and he had the advantage of mobility. He escaped to Iraq and the Iraqi Government sent him under surveillance to Kirkuk, in Kurdistan, where he now was, and from whence he was not, Mr. Hall believed, permitted to leave.

With regard to the bands of criminals, it was true there were in being in Palestine, at intervals, robber bands. They were mainly composed of people who had committed crimes and were fleeing from the police. That was a recurrent feature of insecurity in Palestine. During the disturbances, there appeared other bands, the numbers of which fluctuated, of persons who were adherents of the policy of Arab nationalism and were violently opposed to the Jews. Fauzi Kauwakji's own band, which started with some thirty or forty people, increased in numbers; but Mr. Hall doubted whether at any time it amounted to more than 100 or 150.

Special powers of punishment were given to the High Commissioner, but very few of those people were caught. Any person found with arms without a licence was subject to a minimum sentence of five years' imprisonment, and a great number of those sentences had been imposed. Persons guilty of shooting at the troops were subject to life imprisonment or death. Sixteen persons were convicted on that account. Evidence was never very easy to get. If any members of the Commission would like to look at it, he had in his possession a statement of the number of people arrested, the date they were brought for trial, the date of conviction, the sentence, and so on. That statement showed that a great number of very severe sentences were imposed.

The CHAIRMAN did not doubt that the accredited representatives were aware of the fact

that the circumstances in which Kauwakji had been able to cross the frontier had given rise to considerable comment, and that the case had been quoted as evidence of the extreme weakness with which repression was carried out. It had even been said that the man had been deliberately allowed to escape when cornered and on the point of being taken prisoner.

He added that, according to *The Times* correspondent, Kauwakji was received with open arms in Iraq and lionised by the Iraqi Ministers.

Mr. HALL said he could not speak with any particularity about Fauzi Kauwakji's reception in Iraq. It might have been very warm at the beginning ; but it appeared to have been frigid a little later. As to the suggestion that the Palestine Government ought to have stopped him from getting away, Mr. Hall could only say that there were military patrols out in the Jordan Valley, and that there were vigorous military movements against Kauwakji during the disturbances. It was true that the same military effort was not maintained after the disturbances as was made during that period; but, after all, the strike and the disturbances had been called off and there was general pacification and relaxation of tension. Fauzi Kauwakji was certainly a very elusive person. It should be remembered that one could cross the Jordan almost anywhere. Fauzi Kauwakji had escaped with very few adherents.

Mr. ORSMBY-GORE knew that concerted military movements had been made by the General Officer Commanding to catch Fauzi Kauwakji (annual report for 1936, page 16). There were very large movements of troops against him.

M. VAN ASBECK had listened with interest to the accredited representative's statement. There was one point, however, to which he would like to revert to gain a clearer idea of the situation. The accredited representative had said that it was not true that there had been a concerted plan of revolt against the Government, but that, on the contrary, the revolt had spread spontaneously throughout the Arab population without there having been any leaders. To confirm that contention, he had said that it was the disturbances which had given rise to the creation of the Arab Higher Committee and that the latter did not exist when the disturbances broke out. As the Arab Higher Committee did not exist at the time of the disturbances, it could not have fomented them. As regards that point, M. van Asbeck would like to make an historical retrospect, which would at the same time enable the members of the Commission to pay some attention to certain passages of the 1935 report which the Commission had been unable to examine last year, the accredited representative having then stated that he could not reply to certain questions as long as he was not in possession of the Royal Commission's report.

If reference were made to page 5 of the 1935 report, it would be seen that, in addition to the normal tension which had existed in the country since 1921 or 1922, there had been, in the second half of 1935, an abnormal tension. The accredited representative, quoting the Royal Commission, had said that, since the beginning of the mandatory administration in Palestine, there had been a danger of disturbances. That was the normal tension, but at the period indicated an abnormal tension had become apparent, in the form

of vehement speeches and strongly worded Press articles (paragraph 10, page 5 of the 1935 report).

As regards that point, M. van Asbeck would like to know what steps had been taken by the Palestine Government to deal with the situation, which that Government had itself described as abnormal. Last year, the Mandates Commission had sought to elucidate that point and, on page 65 of the Minutes of the twenty-ninth session, it would be seen that it had not succeeded, for the reason he had mentioned. Nevertheless, he would like to know what steps had been taken in that connection.

In the second place, he wished to draw attention to a very important fact as a "portent" of the disturbances (such was the expression which the Vice-President of the Commission had used before the Council).^{2/} As a portent of the disturbances, a paragraph would be found on page 6 of the 1935 report (paragraph 14) stating that, after a certain exacerbation of feeling in the first half of the year, efforts had been made to unite the five organised political parties, and this association had taken place in the last part of the year. The purpose of that association was to allow those political parties to uphold Arab interests more effectively and with greater cohesion. That seemed to be a fact of the greatest importance. M. van Asbeck ventured to emphasise that, with one exception, all the names of the leaders of these parties, which would be found on page 8 (paragraph 22) of the 1935 report, appeared again in the Arab Higher Committee constituted on April 25th, 1936. That was a striking fact. It was quite natural that the Grand Mufti's name should not appear at the end of 1935 since it was a question at that time of a union of political parties. On the other hand, the Grand Mufti in 1936 became President of the Arab Higher Committee. Consequently, the Arab Higher Committee combined the political leaders and the chief spiritual leader of the Arab population.

In the third place, the 1935 report went on to speak of the Legislative Council, the plan for which had finally broken down during the debates which had taken place in Parliament in London (February 1936). That also was a portent ; it was true that, in the Royal Commission's report, it was said (page 91) that the London debates had once again convinced the Arabs in Palestine that they had nothing to hope for from London, that they were a sort of political proletariat which could not gain a hearing from public opinion in Great Britain, whereas the Jews, in the Arabs' opinion, had every opportunity of defending their views both before the United Kingdom Government and before Parliament. Several passages in the Royal Commission's report (pages 74, 92 and 109) showed that this was a very old grievance of the Arabs, who had always claimed that the Jews could make themselves heard in London, whereas the Arabs did not possess that method of defending their political interests.

M. van Asbeck would be glad to hear the accredited representative's opinion as to whether the failure of the plan for a Legislative Council, which had occurred in February 1936, had not given rise to the gravest anxiety on the part of the Palestine Government as regards the maintenance of public order. This failure seemed to be the most direct cause of the disturbances, not one of those deep causes which the Royal Commission had endeavoured to explore, but an immediate cause, one of those causes of which Mr. Eden

and M. Orts had spoken in the Council at its session of September 1936.^{3/}

Two questions arose for M. van Asbeck: (1) Had not the chain of events from the end of 1935 to the commencement of 1936 constituted a warning--for a Government which previously had already had the unfortunate experience of disturbances due to antagonism between the Arabs and the Jews--that the political situation was getting worse? (2) Had not the committee of political leaders been the germ of the Arab Higher Committee, the strike committee?

M. van Asbeck would now like to raise another question. In 1936 ^{4/} Mr. Trusted's statement had given the impression, which still appeared quite justified to-day, that the Royal Commission was going to be asked, not only to examine the general political situation of Palestine, but also, and not as a subordinate task, the causes of the disturbances--not their profound causes, but their immediate causes. A reference to the Minutes of the Council's session mentioned above could not but lead to the same conclusion if a comparison was made between the speech of the Chairman of the Mandates Commission, M. Orts, and the reply of the British Secretary of State for Foreign Affairs. Why was the Royal Commission not to enter upon an examination of the disturbances and their immediate causes? The Chairman of the Royal Commission had expressly left on one side that aspect of the situation in the speech he had made at Jerusalem on November 12th, 1936. Why had it been judged useful and wise not to study the immediate causes of the disturbances?

In that connection, M. van Asbeck drew attention to the fact that, at the 1936 autumn session ^{5/} the Mandates Commission had refrained from expressing any opinion on the petitions concerning the disturbances because it expected to have in due course the views of an absolutely independent body, the Royal Commission. The members of the Mandates Commission had then been absolutely convinced both by Mr. Trusted's statement and by the debate which had taken place in the Council that it would receive in due course the Royal Commission's views on the immediate causes of the disturbances. It had been a profound disappointment to M. van Asbeck and several of his colleagues to read in the newspapers that the Royal Commission was deliberately going to refrain from clearing up that aspect of the political situation, although, judging by its terms of reference, it would have been quite entitled to deal with the matter. The sincerity and impartiality of the Palestine Government could not of course be called in question. But the Mandates Commission, having before it petitions regarding the disturbances and the measures taken by the public authorities as a consequence of those disturbances on the one hand, and a statement by the Palestine Government on the other hand, only knew the views of the two parties concerned. It would have been extremely glad to know the views of the Royal Commission also.

Mr. HALL explained that he had not said there was no concerted plan. Secret plans might have been in existence. What he had said was that the disturbances had not occurred in accordance with any concerted plan, but that they were spontaneous.

Attention had been drawn to the statement on page 5 of the 1935 report to the effect that

the situation had been exacerbated by "vehement speeches and strongly worded Press articles". He would point out that those had been a feature of public life in Palestine for many years. Both Arabs, and in a lesser degree Jews, did make vehement speeches. They dealt in exaggeration; they were dramatic and excitable, and the Government of Palestine had to take that into account.

It must be remembered that there had never been a public and national platform for speakers and leading politicians in Palestine. They had only their meetings and their newspapers. That had been one of the things which it had been hoped to remedy by the setting-up of a Legislative Council, apart from carrying out the second part of the dual obligations imposed by the mandate. It had been hoped that, by providing that platform, the expression of views would be more moderate, because the speakers could be stopped at any moment by an impartial chairman, corresponding to the Speaker in the House of Commons, and also because they would be speaking in fear of immediate contradiction. In the absence of a Legislative Council, there had been a tendency on the part of the Arabs to make vehement speeches and for Press articles to be of a violent nature. That was a story which had been repeated in Egypt, India, Palestine, and, in fact, all over the world, and action had been taken against it when considered necessary. Newspapers which had, in the opinion of the Palestine Government and of its advisers overstepped the mark, had been suspended.

It must further be remembered that the vehement speeches, although they did affect public opinion in Palestine, did not have the immediate effect that would have been the case in a European country. The readers of newspapers in Palestine and the people who listened to political speeches were so used to exaggeration that the effect on their minds was somewhat different from what would be the case in a European country. That was a point which had to be kept in mind. As they could not and had not set up a legislative body, some means for the expression of public opinion had had to be left open, and these had taken the form of speeches and Press articles.

Referring to the union of parties mentioned on page 6 of the 1935 report, Mr. Hall said that that had been a rather uneasy union. A united front was formed in Egypt, and Palestine which, as he had said, was very sensitive to events and movements in other Arabic-speaking countries, had adopted the idea of unity, although the unity was perhaps more apparent than real.

The leaders of the various parties who formed part of this union, took part, and necessarily took part, in the High Commissioner's discussions on the subject of the Legislative Council and the various other measures proposed. That was how the union of parties had come about and how it had been kept going. It was a convenient body with whom the High Commissioner could conduct discussions on matters of public policy. Neither the Mufti nor Awny Bey, the leader of the Istiqlal Party in Palestine, were members of that body, although both were members of the Arab Higher Committee. Certain other people were also members of the latter Committee. Generally speaking, however, the membership of the two bodies was much the same.

He had been asked whether the debate in Parliament could be cited as one of the direct causes of the disturbances. Mr. Hall did not think so, although it was a serious aggravating cause. It was true that it had increased Arab suspicions and fears because, quite wrongly, they had felt that the debate was the result of Jewish influence in London. It was not, however, in his view, a direct and immediate cause ; that was to be found in the events in Palestine.

Mr. ORMSBY-GORE wished, as he had himself drafted the terms of reference of the Royal Commission, to say something in regard to them. He pointed out that they had been drafted after Mr. Trusted had appeared before the Mandates Commission as accredited representative, and had not been decided upon until July 1936. When he took over from his predecessor in office, Mr. Thomas, on June 1st of last year, two considerations occupied his attention. It had already been announced by his predecessor that a Royal Commission would be set up, and what Mr. Ormsby-Gore had to consider was, first, the personnel of that Commission and, secondly, its terms of reference. He had felt he would be helping British public opinion, as well as the Mandates Commission, the League, the Jews and the Arabs, better by drafting the terms of reference in such a way as to invite the Commission to try to get to the bottom of the troubles than by asking it to become involved in the details of the events of March, April and May at the beginning of the disturbances. He might have been wrong, but it had been his considered view, in the light of the information available to him, that it was high time to have a fundamental stock-taking of the political position in Palestine.

All that M. van Asbeck had said in regard to 1935 and 1936, and all the information at Mr. Ormsby-Gore's disposal at the Colonial Office, tended to convince him that another "Shaw Commission" dealing only with immigration and land and the immediate matters connected with the particular set of troubles involved would have been inadequate. He did not want the Royal Commission to become involved in the taking of evidence in detail on the circumstances then existing, because he foresaw that, even when the Royal Commission's report was drawn up, that might not be the end of the troubles, and he felt that an elaborate process of examination on the spot as to what happened at a particular time might be prejudicial. Therefore, after prolonged deliberations, he decided on the terms of reference as announced, and he felt that Lord Peel had been perfectly correct in making the statement he did at Jerusalem as to the intentions of the Government in London regarding the character of his enquiry.

It was, of course, always easy to be wise after the event. He might have taken another course: but in the light of the existing circumstances, coming back (as he had done) to the Colonial Office after seven years, he had decided upon the terms of reference advisedly. That had been his considered conclusion; and on the whole--though he could appreciate other points of view being taken--he still felt that he was right.

NINTH MEETING.

Held on Wednesday, August 4th, 1937, at 4 p.m.

Palestine: Examination of the Annual Reports for 1935 and 1936 (continuation):
Disturbances of 1936 (continuation).

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

VARIOUS PHASES OF THE DISTURBANCES: PENALTIES: ATTITUDE OF THE
ARAB OFFICIALS.

M. VAN ASBECK had been impressed by the accredited representative's statement that in the later months of the revolt the seriousness of the attacks and the extent of the revolt were causing less anxiety than at the beginning. Was that the impression which the accredited representative had meant to convey?

Mr. HALL explained that what he had said was that the revolt had entered upon a different phase. It had become concentrated rather in the villages and in the hills instead of taking the form of disorders in the towns. Also, the roads were safer.

M. VAN ASBECK asked if, in fact, the shifting of the revolt from the towns to the villages did not make it more serious and cause greater anxiety than if it had remained confined to the towns where there was only a limited field of action.

Mr. HALL thought the discussion was turning on a matter of words. In replying that morning to M. Sakenobe, he had been stating a generalisation, but a generalisation with exceptions. His point was that the revolt in its later stages affected the villages and hills rather than the towns and general highways. It was, therefore, less felt by the mass of the citizens and was less of a general challenge to the Government. But it was more difficult to deal with, and that was why additional forces had finally to be brought in. He had been considering the question of relative security. Security was established or partly established over a great part of the country; but as the revolt tended ultimately to be concentrated in the hills and villages, the problem of security was more difficult to deal with and large military reinforcements became necessary.

M. VAN ASBECK quoted the following passage from page 32 of the report for the year 1936:

"... His Majesty's Government are satisfied that the campaign of violence and threats of violence, by which the Arab leaders are attempting to influence the police of His Majesty's Government, cannot be allowed to continue, and more rapid and effective action must now be taken in order to bring the present state of disorder to an end with the least possible delay. With this end in view, it has been considered essential to send further substantial reinforcements to Palestine."

The geographical area of the disturbances had perhaps changed and the numerical majority of the population of Palestine may have felt that the revolt was dying down, but the fact that it had shifted from the towns to the rural areas must have constituted a very serious feature, and this fact explained the importance and seriousness of the military measures taken after September 7th, 1936.

Mr. HALL thought that that statement was correct. The mass of the population was less directly affected at that stage, but the political, and more particularly the military, effects were more serious.

M. VAN ASBECK, reverting to the references made at the morning meeting to the seeming leniency shown by the Palestine Government to the Arab population in suppressing the revolt, asked whether that leniency did not place other elements of the population in a very serious situation--the Jews in their agricultural settlements were particularly exposed to raids and attacks by Arab gangsters. Further, had it not had the serious effect of weakening the authority of, and lessening the respect of, the Arab population for the Government? Had it not engendered the feeling that they could be as lawless as they liked without feeling the strong hand of the Government on their necks?

Mr. HALL hoped that it had not been deduced from anything he had said that morning that the Government had been lenient towards the rebels. On the contrary, it had pursued, attacked, shot and killed rebels wherever it could find them; that was part of its policy. There was no leniency there. Certainly the Jews had thought that the Government was lenient; but that was possibly due to a misunderstanding of the position or their deep exasperation with the continuance of the disturbances.

The Government's action had been anything but lenient. The members of the Commission would realise this if they read some of the petitions received from the Arabs regarding the measures taken to punish people who were guilty, measures involving, as they inevitably did on some occasions, the punishment of people who individually were not guilty. All that was said at the morning meeting was that the Government had attempted to limit punishment to the guilty and to spare the innocent as much as possible. Every possible police and military measure had been taken to protect individual Jewish colonies. It was only when protection would have led to an undue dispersal of military and police forces that the steps were taken to arm Jewish supernumeraries. It was on June 3rd that the first body of Jewish supernumeraries was formed to be responsible, with the police, for the internal defence of Jewish settlements. Those bodies were afterwards progressively increased until, as already stated, they numbered over 3,000.

M. RAPPARD said that nothing that had been heard at the morning session could give rise to a suspicion of undue leniency, but, of course, much information, not only from Jewish sources, but even from observers, tended to confirm that suspicion. Thus, it was not very surprising if, in the administration of Palestine, the Arab elements were at least lenient, if nothing more. The sentences of certain judges have generally been held to be unduly lenient, yet the sentences which they imposed had often been commuted by the executive authority. The High Commissioner was reputed to have consistently followed a

policy of conciliation, even in the course of repression. All those facts seemed to M. Rappard fully sufficient to justify the feeling that undue leniency was being shown, that the Administration wished to win over the rebels by a policy of appeasement rather than by threats of repression. M. Rappard felt obliged to confess that he was himself troubled on that point ; he could not help feeling that the reputation of undue leniency constantly complained of in various quarters was not only well-established but it was also not difficult to understand, given the circumstances to some of which he had alluded.

Mr. ORMSBY-GORE said that M. Rappard had read into his remarks made during the morning session concerning the relations between the judiciary and the executive something which he had not actually said, and which it would have been very improper for him to say. Neither Mr. Hall nor he himself had any right to say whether sentences by a judge were or were not lenient. Mr. Hall and he had not been in the court or heard the evidence. Moreover, it was an absolute rule in English administration that the executive must make no criticism of a court sentence. He knew that, particularly in Jewish quarters, and, he admitted, in some others also, the idea prevailed that the United Kingdom Government and the local Administration had adopted a policy of undue leniency. He could only say that he did not agree. It was certainly the intention both of the Administration and of the United Kingdom Government to deal with the rebels. On the other hand, they certainly did not want to treat as rebels a large proportion of the non-Jewish population of Palestine who, while they might have sympathised with the political aims of the rebels, were not, in fact, taking part in outrages or rebellions. That distinction--between a person who was "against the Government" and a person who did something against the Government which was obviously wrong and improper --was a real one, and, doubtless because the Administration, and he thought rightly, had concentrated on the latter, outside observers might have received the impression that there was a policy of leniency. That there was such a policy he must deny.

Mr. HALL said that the only sentences arising out of the disturbances which to his knowledge had been commuted by the High Commissioner under the Royal prerogative were certain death sentences and certain severe sentences for the possession--not the use--of arms and explosives. It would be remembered that, in the Revised Emergency Regulations, a minimum sentence of five years was imposed for the latter offence, and therefore all judges sentencing such offenders had to impose at least that sentence. Those cases had all been reviewed some five months or so after the disturbances. Included in those convicted of the latter offence were a number of Jews found in possession of arms. As a result of that review most of the Jews were released, and a few Arabs, those who could similarly show mitigating circumstances, had their sentences reduced or, in one or two cases, were released. He remembered the case of one old man of seventy on whose roof a few old rounds of ammunition had been found. He had necessarily been sentenced to five years' imprisonment. The great majority of these sentences, however, had been upheld and were in force.

The first death sentence which had come before the High Commissioner was a sentence upon two youths. That sentence had been confirmed at once by the High Commissioner.

But an appeal had been immediately lodged with the Judicial Committee of the Privy Council on two grounds: (1) that the age of the youths was not established as being over eighteen, and in Palestine no one under that age could be hanged; (2) that the Emergency Regulations under which they had been condemned were *ultra vires*. The appeal had been admitted to consideration by the Judicial Committee of the Privy Council. Meanwhile, other death sentences had been referred to the High Commissioner. He could not confirm those sentences because a case was then pending before the Privy Council as to whether the Emergency Regulations were or were not *ultra vires*. The Privy Council had taken about five months to deliver their judgment. They had finally ruled in March 1936 that the Emergency Regulations were *intra vires*, and that there was no evidence that the youths were under eighteen. By that time the condemned men had been in prison for many months, not knowing whether they were going to be hanged or not. The sentences had been commuted to life imprisonment in all cases. These were cases of men who had fired at troops; they were not cases of murder.

M. RAPPARD pointed out that he had not based his remarks about the leniency of judges on anything that had been said by the Secretary of State or by Mr. Hall. But when a judge publicly denounced the excessive severity of the Government, it could at least be assumed that the Government deemed him to be unusually lenient. M. Rappard could hardly imagine how the Government, even though it said nothing, could be supposed not to deem a judge too lenient, when the judge publicly expressed the view that the Government was not sufficiently lenient. Moreover, to revert to what he had said at the Commission's previous meeting,^{6/} the mandatory Power was as responsible to the Commission for its judges and for the delay of the Privy Council as for anything that the High Commissioner might, or might not do. M. Rappard quite understood that there had been internal differences, but the Commission judged the attitude of the mandatory Power as a whole, and the matter must be left at that.

Mr. ORMSBY-GORE agreed; the accredited representatives could only give their explanations. The Commission must not think that the accredited representatives were maintaining that everything was perfect, that the mandatory Power never made a mistake, that it foresaw everything and dealt with everything. That was not their attitude. As the Royal Commission's report had shown, there had been particular difficulties from a constitutional, military and political point of view, and undoubtedly many people had received the impression that the mandatory Power had been lenient. The accredited representatives had put the difficulties before the Commission and had asked it to judge in the light of all the facts whether the case frequently made against the mandatory Power was as strong as some critics maintained.

M. VAN ASBECK explained that his point was that in seeking, for humanitarian reasons, to spare the Arabs suffering, the authorities were exposing innocent people on the other side to more attacks and suffering than they would otherwise have undergone. Was the Commission to conclude that the accredited representative agreed with the opinion expressed by the Royal Commission on page 140 of its report (paragraph 55), when it said:

"If one thing stands out clear from the record of the Mandatory administration, it is the leniency with which Arab political agitation, even when carried to the point of violence and murder, has been treated"?

Those words "even when carried . . ." etc., seemed to contain a rather alarming charge against the Government of the country.

Mr. ORMSBY-GORE said that that was an expression of the Royal Commission's view, and that criticism must be taken as being well founded in that body's opinion. He did not feel that he could usefully say anything about it; it proved, at any rate, that the Royal Commission was an independent body. He was satisfied that successive High Commissioners and successive Secretaries of State for the Colonies for the previous fifteen years might have something to say about such a generalisation. That was how the situation appeared to some people, and he took that criticism as coming from a very responsible body. As had already been said, the mandatory Power had continuously followed a policy of conciliation. The High Commissioner and he himself recognised that the policy had broken down, had failed and, as Mr. Ormsby-Gore had told the Commission in his opening statement, he was now much more concerned about the future than the past.

M. RAPPARD observed that the past might prejudice the future.

The CHAIRMAN recalled that the Statement of Policy of the United Kingdom Government said that "His Majesty's Government in the United Kingdom . . . --find themselves in general agreement with the arguments and conclusions of the Commission". There were therefore some exceptions.

Mr. ORMSBY-GORE said that, broadly speaking, the United Kingdom Government accepted the report, but that did not mean that it accepted every sentence as written.

Lord HAILEY asked whether any action could advisably have been taken against the Arab Higher Committee, which at one time seemed to be organising the revolt ; and whether the Administration had found itself able to take any action against those of its own subordinates who had issued a memorandum attacking its policy.^{7/}

Mr. HALL replied that the Secretary of the Arab Higher Committee, who was head of the Istiqlal Party, had in fact been interned and his successor, who also belonged to that party, usually regarded as the most extreme party in Palestine, had also been interned for the duration of the disturbances. As regards taking action against the Committee as a whole, Mr. Hall referred to his statement in reply to the question put by Count de Penha Garcia at the sixth meeting,^{8/} in which he had explained that the Committee had laid itself open to prosecution on one occasion only, and on that occasion there was little prospect of a prosecution leading to a deterrent sentence. Mr. Hall then informed the Commission of the various considerations which prompted the decision of the Administration not to take punitive measures against the Committee.

Mr. ORMSBY-GORE said that the authorities in London had taken the same view as that taken by the High Commissioner.

Lord HAILEY read the following passage from a letter of May 4th, 1937, sent by the Jewish Agency to the High Commissioner (document C.P.M.1914):

"The existence and activities of that Committee were tolerated, in spite of its openly seditious character, and those of its members who held official positions in the gift of the Government were allowed to remain at their posts. At the beginning of the strike, members of the Committee were even permitted to make a tour of the country, during which they openly preached sedition."

It was that definite allegation which had led Lord Hailey to address the question to Mr. Hall.

Mr. ORMSBY-GORE could only say that the view of the Jewish Agency was not accepted in this matter, either in fact or in its manner of expression. He would like it to be placed on record that in the Government's view no member of the Arab Higher Committee could be described as an official of the Government and under its control. The only member of the Higher Committee who might approximately be so described was the Mufti himself, because he held a recognised position and he had been originally selected by Sir Herbert Samuel, as High Commissioner, in the way described in the Royal Commission's report (pages 52, 177 to 180).

Mr. HALL, before dealing with Lord Hailey's second question, pointed out that in his view the charge that the Arab Higher Committee openly preached sedition was unfounded. There had been no evidence that its members had preached sedition. They had associated themselves with resolutions in favour of the general strike and did, on occasion, advise the Arabs to continue the strike, but that was not sedition. The general strike in Palestine was never illegal.

Lord Hailey had asked about the letter addressed to the High Commissioner by the higher Arab officials on June 30th, 1936. Before explaining to the Commission the circumstances underlying that letter as he understood them, Mr. Hall desired to point out that it had been the Palestine Government's policy to include in its civil service as many elements of the local population--Arab and Jewish--as possible. That had been advisable for several reasons. In the first place, there was no Legislative Council and it was, therefore, desirable to have the advice of the local population thus made available to the Government. Secondly, in view of the provision in the mandate for the establishment of self-governing institutions, it was desirable that as many responsible and educated members of the public as possible should acquire experience in administration. Thirdly, it had been hoped--to some extent, the hope had been realised--to foster inter-racial co-operation within the civil service.

The circumstances under which the officials wrote that letter, which had been so keenly criticised, and rightly criticised, were the following. From the very outset of the strike,

the strikers brought great pressure to bear on the officials to join them. Until they were prohibited, articles to the same effect had appeared in the newspapers. Resolutions were passed by local committees and bodies urging the officials to go on strike with the rest of the Arab nation. At one of the congresses of these local committees, a resolution was put forward in favour of a strike by the officials. To its credit, the Arab Higher Committee refused to endorse that resolution. The pressure on officials became increasingly severe, and several of the senior officers received letters, threatening not only their own lives but their families also if they did not go on strike. The pressure of Arab public opinion was very severe, and intimidation operated also; and this letter to the Government represented, he believed, the attempt of the officials to find a middle course and to show their sympathy with the sentiments of the vast majority--in fact, one might say the whole--of the Arabs in Palestine without going on strike and being disloyal to the Government.

It was technically improper: Government regulations laid it down that officials must not interfere in politics, although officials were encouraged to offer criticisms of Government administration. It was technically improper also because it was laid down that any petition an official wished to make should be sent through the head of his department. This letter was not submitted through the heads of departments, but sent direct to the High Commissioner. It was the officials' attempt to meet, in some measure, and without showing active disloyalty, the criticisms directed against them unflinchingly and more and more vehemently from the beginning of the strike. When the letter was received, the High Commissioner considered whether disciplinary action should be taken against them and His Majesty's Government was also consulted on this point. In all the circumstances, and having particular regard to the great strain imposed on the loyalty of those officials during the disturbances and the extremely difficult time they had had from their fellow Arabs, it was decided that it would be inadvisable to take any particular disciplinary action. Disciplinary action would have involved nearly three-quarters of the civil service. His Majesty's Government, moreover, was informed that the officials were performing their duties faithfully. It was notable that the police did not sign the letter.

Count DE PENHA GARCIA asked what was the Palestine legislation on strikes: did it include provisions, not only against actual striking, but also against certain acts accompanying it, such as sabotage? Did the Administration possess sufficient legislation or were the means of repression inadequate?

Mr. HALL replied that the strike--which was a demonstration of passive resistance--had caused the Arabs great financial losses and given them a severe economic set-back. It had, he hoped, also been a salutary lesson.

Power had been taken by the Administration in the early stages of the strike to demand the opening of shops. As a result, the merchants removed their goods to their houses and the measure had proved ineffective. Power to prevent intimidation was already conferred by the Intimidation Ordinance, and when persons were caught intimidating--and cases were fairly numerous--they were punished in accordance with the ordinance.

When the transport strike first began, the various local strike committees had issued what

they called "strike permits" for certain cars to remain on the road. The Government thereupon issued an order that only cars holding a Government permit could use the road. All the striking cars were thus effectively driven off the road. The Arab response to that measure had been to scatter nails, stones and broken bottles on the streets, in order to puncture the tyres of cars used by the security forces and the Jews. That had been met by enacting an Emergency Regulation giving the police and military officers power to compel any member of the public in the vicinity to remove the nails, glass and stones. The widespread use made of that power had soon stopped this particular nuisance.

The question of preventing intimidation was more difficult, because the intimidator had to be caught, and he usually waited until the policeman had passed before committing intimidation. In order to secure convictions in such cases, a law had been passed altering the rules of evidence and permitting conviction on the evidence of one person only. The evidence of one police officer had been ruled to be sufficient for a conviction, and by increasing patrols and harrying intimidators to every possible extent, a good deal had been done to put down intimidation.

Count DE PENHA GARCIA asked, in connection with measures against acts of intimidation, whether the instigators of these acts were punished. The report of the Royal Commission stated on page 98 that the representatives of the Arab National Committees had frequently exercised such intimidation. If, therefore, the instigators were to be punished, had members of the National Committees been punished on this account?

Mr. HALL explained that the National Committees referred to in the report were the local Committees of which he had spoken. There was a National Committee in practically every large village and certainly in every town. The fact was that intimidation had played very little part in the movement in the early stages, and had been introduced after the enthusiasm of the Arab shopkeepers, who had suffered severe losses, had begun to wane. Any evidence that the Administration had had of intimidation by members of National Committees would have led to prosecutions. He could not say offhand whether any of them had been prosecuted, but he could say that many of the members of National Committees had spent most of the period of disturbances in Sarafand Internment Camp. If a District Commissioner had good reason for believing that a member of a National Committee was behaving in such a way as to endanger the peace, that person was promptly sent to the Sarafand Internment Camp.

Count DE PENHA GARCIA asked what penalties the legislation provided against acts of sabotage and violence.

Mr. HALL said that sabotage was in certain circumstances punishable by death, and intimidation was dealt with under the Palestine Intimidation Ordinance.

Mr. ORMSBY-GORE observed that the word "sabotage" was rather vague; he supposed that, technically, the placing of nails on the roads was sabotage.

Count DE PENHA GARCIA had observed that in the struggle against the mandatory

Power the agitators had, in addition to strikes, advised refusal to pay taxes. Was that an act of rebellion under the law? Or had it been necessary to enact special legislation to make refusal to pay taxes an offence?

Mr. HALL said that instigation to refuse to pay taxes was an illegal act. He could recollect no demand for the payment of revenue having actually been refused. As stated in the report, the movement to refuse payment of taxes never gained much momentum. The Administration had collected a certain amount of taxes in the towns, but it had not collected taxes to any extent in the villages until the disturbances were over. In any case, it was an illegal act under the ordinary statute law of the country, either to refuse to pay taxes when the demand was made, or to incite others to refuse to pay them.

Count DE PENHA GARCIA pointed out that in many countries, when an individual refused to pay taxes, the penalty was purely financial; the taxes to be paid by that individual were increased by a certain percentage. Was that the case in Palestine, or was the recalcitrant taxpayer immediately brought before the courts without financial penalty?

Mr. HALL replied that that provision did not exist in Palestine. In such cases, the person's goods were seized and sold, and the Administration recovered the proceeds. Incitement to refusal to pay taxes was an illegal act, and two persons, as already mentioned, had been charged and convicted and sentenced to fines of £25.

Count DE PENHA GARCIA said that the first two cases he had mentioned (strikes and refusal to pay taxes) were cases of a general character, in regard to which an indulgent policy was comprehensible. It might indeed be difficult to take steps to deal with all the persons concerned.

He now came to a third point, which to his mind came before the other two--namely, the quite extraordinary and singular case of the letter in which certain officials of the Palestine Administration had protested to the Government against its policy and against its manner of carrying on business. That document had been signed by high Arab officials and by officials of the second class--that was to say, by a large part of the administrative staff. Those officials had thus committed an act which, according to the regulations, should constitute an act of serious indiscipline in the eyes of the mandatory Power. Count de Penha Garcia wondered whether the Administration's indulgent attitude would not have harmful consequences in the future. These officials had not, indeed, gone on strike, but they had placed themselves in a state of rebellion against the Government, and they had criticised its policy. Such an attitude must have had great repercussions in the Arab world. It was, indeed, an act of collective indiscipline. Obviously the Palestine Government could no longer count, in future, on those officials. It would perhaps have been better if they had gone on strike, as they could then have been replaced. Had the Administration taken any disciplinary action and, if so, what?

The CHAIRMAN was glad that Count de Penha Garcia had raised that point, which had also struck him--namely, the indulgence with which Mr. Hall viewed these officials and the numerous attenuating circumstances which he adduced in their favour.

Mr. HALL said that, if he had appeared to be condoning the action of those officials, that had not been his intention. He had merely explained, as he thought the Minutes would show, the circumstances in which the letter had been written, and the circumstances which had supplied the motive for it. Naturally, he did not consider that the letter should have been written. Perhaps the Commission would permit him here to make a personal remark. When criticism was voiced by members of the Commission, he, as accredited representative, replied to that criticism. In this particular case of the Arab officials' letter, members of the Commission had expressed condemnation, with much of which he would agree himself. He had merely stated the other side, so as to place before the Commission the complete picture. During the proceedings he had sometimes explained Arab motives and actions, but he hoped that the Commission would not consider that he agreed with them ; that was far from being true.

The effect of the officials' letter had been to stop at once the public and secret pressure on them to go on strike. They had secured their position, and at the same time expressed views which they doubtless genuinely felt, by a device which was very much open to criticism. On the other hand, the Commission must realise the position in which those officials had been at the time the letter had been written. The strike and disturbances had been in existence for several months and excitement ran high; and it was perhaps difficult for these officials to take the same detached and dispassionate view of their position as members of the Mandates Commission properly took to-day. Possibly, if the officials could now think the matter over again in an atmosphere of quiet, they would feel that the letter ought not to have been written. He thought it was going too far to say that their loyalty could never again be depended upon. Many of the second division officers who had signed the letter, particularly those in the Post Office, had proved their loyalty by continuing to work in conditions of almost daily danger when repairing telegraph and telephone lines; engine-drivers and railway officials had stuck to their jobs when under fire.

M. RAPPARD asked whether the protest had been unanimous or had there been exceptions.

Mr. ORMSBY-GORE thought there were, practically speaking, no exceptions. The letter was sent as a "round robin" signed by everybody except the police.

He himself had felt very deeply the difficult position of the Arab officials who continued to serve the Government in Palestine throughout the disturbances. Very many of them had behaved with great gallantry and loyalty, and in all the circumstances some expression of sympathy or solidarity with what he had always admitted was a great national political movement expressing dissatisfaction with the Government was, he thought, almost inevitable. But such an expression of opinion was irregular, it was wrong and ought not to have been offered, but, as he had tried to explain to the Commission, he was fully satisfied that the political movement among the Arabs of Palestine was universal amongst all classes and sections of the population. That was a fact which had to be faced, and the existence of such things as that letter made it all the more important to

realise that some solution had to be found to the problem with which the mandatory Power was confronted.

Count DE PENHA GARCIA said that two conclusions might be drawn from the replies given: (1) the excuse of the officials was that they did not have the necessary security; (2) that, in future, it would perhaps be better for the mandatory Power, if it wished to carry out the mandate efficiently, to increase the number of officials of its own nationality instead of entrusting such duties to Arabs or Jews.

Mr. ORMSBY-GORE said that that recommendation was made in the Royal Commission's report. It might be necessary to resort to that procedure, but it was a step backward in the evolution of Palestine towards self-government.

M. RAPPARD thought that no one could really justify or even condone the action of those officials. Two things had been said to justify the Administration's attitude; on the one hand, that the officials were under such pressure that, humanly speaking, one could feel for them, and, on the other hand, that there were so many of them that any general measure of discipline would have paralysed the administrative machine.

In regard to the first point, he largely agreed with Count de Penha Garcia. It was a great confession of weakness on the part of the Administration to admit that officials collectively denouncing the policy which their Government was bound to carry out were subjected to such pressure that they could not be protected. In regard to the second point, he would have imagined that an examination of the case would have led to the establishment of very diverse responsibilities. In any administration in which some measure of collective action was proposed, the senior officials, who initiated it, bore a different responsibility from their juniors who had to join in it. He did not think the alternative would have been to turn them all out of the service and paralyse the whole Administration; all that the Administration did, according to its own report, was to transmit the memorial to London and then carry on.^{9/}

Such action must have been interpreted as a sign of weakness both by the officials who had challenged the authority of the Government and those others, presumably numerous, who had hesitated very much before appending their signatures but had eventually succumbed to the pressure from their colleagues. They had found that, after all, bold measures met with impunity. Did not Mr. Hall feel that to do a thing of that kind was a serious undermining of the authority of the Administration? M. Rappard could quite understand the Administration not dismissing all the officials, but to have dismissed those who were the ringleaders would not have paralysed the Administration and would, at the same time, have re-established morale.

Mr. ORMSBY-GORE pointed out to M. Rappard that, in the last phrase of the petition, the signatories asked that it should be transmitted to the Secretary of State. Throughout the dependencies for which he was responsible, every official had the right to petition the Secretary of State through the High Commissioner, though he agreed that he had never before received a petition of that kind.

M. RAPPARD said that the petition had not been transmitted through the regular channels. The officials had not petitioned through their chiefs but direct to the High Commissioner, which was technically wrong.

Mr. ORMSBY-GORE agreed that that was the technical fault in this matter.

M. RAPPARD suggested that the petition of the officials might have been held up on the spot. It need not have been transmitted in the form in which it was received.

Mr. ORMSBY-GORE had already agreed that the procedure was wrong and irregular. It was a very serious incident in the course of the disturbances and tended to show that the whole relations between the mandatory Power and the Arab majority were most unsatisfactory.

M. VAN ASBECK said the accredited representative had tried to make the Commission understand the difficult position which existed at that time and he was grateful that the accredited representative had, at the same time, tried to present the other side. There was, however, one thing which M. van Asbeck did not quite understand. The accredited representative had said that the Commission ought to bear in mind the difficult position of, for instance, engine-drivers and telephone and telegraph personnel, who had to mend lines at night and were exposed to all sorts of attacks. But those men were second division officials and were therefore associated with the memorandum submitted some weeks after that signed by the higher officials. The latter, he thought, were not exposed to immediate personal danger, as were the second division officials. He did not think, therefore, that the argument of immediate personal risk carried much weight in the case of the senior officials. Would it not have had a very salutary effect on the junior officials if, by some measure or another, the Administration had shown that they refused to accept the higher officials' memorandum for transmission to London, even though it understood their difficult position?

M. van Asbeck thought it alarming also that the first memorandum should have been signed by the judges. Remembering the situation of judges, the independent guardians of law and justice, it seemed most disquieting that *they* should have signed a memorandum of a revolutionary character and adopted an attitude of hostility to the Government. They were responsible for trying offences against law and public order, and in that memorandum they asserted that the policy of the Government was not just and equitable. Had not the judges placed themselves in a most awkward position, and from the point of view of preserving public order was it not most unfortunate that *they* had signed the memorandum? He therefore asked whether, in those circumstances, there were not special reasons for taking action at least against the judges. How could law and order be maintained when the judges themselves were associated with the revolutionary party, with the section of the population which opposed public authority?

Mr. ORMSBY-GORE said that it was wrong to suppose that the higher officials were not, like the Post Office and railway employees, exposed and did not expose themselves

to danger in carrying out their duties. The signatories of the petition employed in the district administration and in other departments had had to go about the country by night and day, and did so both before and after signing the petition, and, with one or two exceptions, loyally performed their duties. He agreed with M. van Asbeck that a serious aspect of the document, and the aspect which had struck him most at the time, was that, in the form in which the petition had reached him and the order in which the signatures were set out, the Judiciary and the Department of Justice came first and the others followed. He understood from Mr. Hall that the document had been prepared in secrecy. There were rumours that a letter was being prepared, but by whom the Government had been unable to discover.

He must cavil at the word "revolutionary". The document was an improper one, but it was a political document. It was not a threat to go on strike or a threat to use violence against the Government or a refusal to carry on; it was a definite expression of political opinion contrary to the policy of the United Kingdom Government, and a request to the High Commissioner to transmit that opinion to the United Kingdom Government. It bore out, as he had said before, that the essential feature of the mandatory Power's position in Palestine to-day was that it was in acute political opposition to all sections of the Arab people. That was the fact from which there was no escape, and the course of the discussion tended to emphasise that fact.

Nothing further could usefully be added to what Mr. Hall and he had said. He had no intention of defending or extenuating the action of the signatories of the letter. He had thought it his duty to try to explain the circumstances leading up to it. It was for the Mandates Commission to say whether the action of the Palestine Government or his own action was improper having regard to all the circumstances of the case.

M. RAPPARD said that the point ought to be cleared up, because it was important, not only in itself, but as a symptom. The memorial might be looked upon as revolutionary or not, but it was not the kind of document that His Majesty's Government in London would tolerate as coming from its own officials and signed by its own judges. The signatories put forward their case, and said:

"We would strongly have supported that argument had it not been for our belief that the Government is itself in part to blame for the state of mind which has brought about the violence."

That was a denunciation of the Government's policy. The concluding paragraph read:

"We are forwarding this memorial in quadruplicate, so that it may be duly transmitted to the Secretary of State for the Colonies. In view, however, of the seriousness of the situation and the difficult position in which we find ourselves, we would request Your Excellency to cable the substance of this memorandum to the Secretary of State and favour us with a reply at your earliest possible convenience."

That was a curious note to strike when dealing with one's hierarchical superiors. First, the signatories had no right to submit it at all, except through their hierarchical chiefs. Not only did they submit it and ask for it to be sent on to the Secretary of State, but they

urged the local Government to cable the substance of it and ask for a reply at once. The answer given was hardly less surprising, since it contained neither blame nor rebuke.

Mr. ORMSBY-GORE said that he had known that many of the signatories thought themselves and their families to be in physical danger, and they were subjected to great pressure through their families. That had in large measure influenced his action. Moreover, with one or two exceptions, they had loyally carried out their duties.

Replying, at the Chairman's request, to the further question raised by M. van Asbeck, Mr. Ormsby-Gore said that, on this particular occasion, it would have been difficult to single out any of the individual signatories; it had been a case of dismissing all of them, or none of them, and any attempt to differentiate would have created very great difficulties.

TENTH MEETING.

Held on Thursday, August 5th, 1937, at 10 a.m.

Palestine: Examination of the Annual Reports for 1935 and 1936 (continuation):
Disturbances of 1936 (continuation): **Plan of Partition of the Territory** (continuation).

Mr. Ormsby-Gore, Mr. Hall and Mr. Martin came to the table of the Commission.

PUBLIC SECURITY (*continuation*): BALFOUR DECLARATION (*continuation*):
ATTITUDE
OF THE ARAB OFFICIALS (*continuation*): INTERVENTION OF THE ARAB
RULERS:
COMMUNICATION FROM THE IRAQI GOVERNMENT, JULY 30TH, 1937.

Count DE PENHA GARCIA said that the Commission was now examining the attitude adopted by the mandatory Power--in pursuance of the first of its obligations under the mandate, that of ensuring security--in putting down the regrettable acts which had been committed in Palestine. An indulgent policy might appear comprehensible in that connection up to a certain point: but the aspect of the position changed when it was learnt--both from the mandatory Power's report for 1936 and from the Royal Commission's report--that ever since May bands of criminals had been formed in Palestine and that, more serious still, those bands were composed, not only of Palestinian Arabs, but also of Arabs of other parts coming in as reinforcements. Those bands were responsible for serious loss of life and destruction of property of the Jewish element. From that time forward, a policy of indulgence was no longer comprehensible, and repression became imperative. The bands operated from May to October--no inconsiderable period. Why was the mandatory Power unable to stop their activities sooner? Was it for lack of troops, or owing to special difficulties--legal difficulties, for example?

Mr. HALL thought he had answered that question in what he had said as to the difficulty of dealing with sporadic and widely dispersed outbreaks of guerilla warfare. The bands were elusive, and it was extremely difficult for trained soldiers with their heavy equipment, unacquainted with the ways and byways and the caves in the mountains, to catch them. Actually, the military forces did engage and disperse bands on several occasions. One of the principal band leaders, a man called Sa'id al A'as, was killed near Hebron, and his band dispersed. Several actions took place between the troops and the bands. Every military device was tried, and heavy casualties were inflicted. One of the most successful devices was the system whereby convoys communicated by wireless with waiting aircraft when attacked.

Mr. ORMSBY-GORE said it was difficult to know exactly what punishment had been inflicted by the use of military forces against the armed bands. But, as the members of the Commission would have seen from the estimate of casualties, the number of dead was large; and apart from that, there must have been many more wounded. The rebels had been clever in removing their wounded, and he had been told that in many villages there still remained young men suffering from the wounds they had received.

In any case, only a small proportion of the men of the villages had been involved; the culprits were mainly young men who were inflamed with nationalist patriotism or, to put it another way, the desire to rebel against the mandatory Power for political ends. The number of these who entered the country from outside had been exaggerated. There had been no serious influx from Trans-Jordan: that had been prevented. A certain number leaked in from Syria in various ways: but, on the whole, the control of the frontier was tolerably effective.

Mr. HALL added that the majority of the bands were fellaheen. In every village in Palestine, as in many villages in his own country, there were one or two bad men. In England, their unruliness took the form of drinking and generally being a nuisance to the community. Religion forbade that--relatively--innocuous form of dissipation to the Arabs; these bad men fell back on participation in village disputes and general unruliness. It was mostly they who formed the permanent nucleus of the gangs. There were very few educated men at all among the gangs. Educated men were, however, fired with nationalism, and many were in full sympathy with the bands: it was also probable that some of the individual outrages in the towns were perpetrated by young effendis.

Count DE PENHA GARCIA recognised that the mandatory Power might have encountered great difficulties, at any rate in that part of the territory where the Arab majority had always been hostile to it. It should nevertheless be borne in mind that the Jewish third of the population was on the side of the mandatory Power. The objective of the bands was twofold: they sought on the one hand to embarrass the mandatory Power--it was not to be supposed that they hoped actually to get the better of the United Kingdom--and on the other hand to attack the Jews. He wondered why it should not have been possible to protect the Jewish settlements more effectively. That raised a problem for the future. If the Arabs could hold the mountains with impunity, it followed that the inhabitants of the plains were at their mercy.

Mr. HALL answered that the duty of the Palestine Administration, as he saw it, was to act as a buffer between the Jews and the Arabs, and to prevent the disturbance from developing into a civil war between the two races. It must be remembered that that one-third of the population to which Count de Penha Garcia had referred were, throughout the disturbances, exercising self-restraint and were therefore inactive. It should also be realised that attacks on the Jewish settlements--"attacks", that was to say, in the full meaning of that word--were non-existent. There were many cases of Jewish settlements being sniped--generally by night: but no serious attempt was ever made to penetrate into the settlements. The Arabs burnt crops outside, and fired shots into the settlement from a distance; but they never came to close quarters, for the reason that they believed that the Jews were well armed and were prepared in the last resort to use those arms.

Count DE PENHA GARCIA, continuing, said there was one other series of criminal acts in regard to which an indulgent policy was unthinkable--namely, criminal acts committed by the native population. The Mandates Commission had been told that it was almost impossible to prevent a Jew from killing an Arab or an Arab from killing a Jew, however considerable the body of police available. But that was a common problem. There were criminals in all countries, and measures of repression were taken in all countries against them, and such measures yielded results. In all civilised countries the number of crimes had decreased, though there was room for regret that the decrease was not greater still. Could not the frequency of these criminal acts committed by natives during the disturbances in Palestine have been decreased by judicial measures of intimidation? If the death penalty, which was usually pronounced in case of murder, had been carried out immediately, and if very severe terms of imprisonment had been inflicted, would it not have been possible by those indirect means to check the audacity of the criminals? Was there anything in the law of Palestine which prevented the intimidation of potential criminals in that way?

Mr. HALL replied that no judicial system and no law was of much avail, if the police could not catch the criminals. That was the great difficulty in Palestine, particularly in the case of political crimes, when the police got practically no help from the civil population and evidence was unreliable. They had used with great success the special police-dogs known as Dobermann Pinschers, which had done remarkable work and had created a wholesome fear among the criminal classes in Palestine. He attributed the reduction of ordinary crime, including murder, during peace-time very largely to the introduction of that singular cross-breed dog. The number of those dogs in Palestine had been increased, but could not be increased indefinitely, as the period of training was lengthy.

Legislation passed during the disturbances provided the death penalty for a great number of crimes, in addition to murder and firing on the troops. Sabotage likely to lead to loss of life, bomb-throwing or dynamiting, were all made punishable by death. But the fact remained that it was extraordinarily difficult to catch criminals in Palestine and that, when they were caught, it was difficult to establish evidence. One case which came to his memory was that of a bomb thrown in Jerusalem, where there had been an identification of a Jew by six Arabs, all of whom swore that the Jew had thrown the bomb, and an

identification of an Arab by a similar number of Jews, all of whom swore equally that they had seen the Arab throw the bomb. The Administration could not go to court with conflicting evidence of that nature. At times of political strife and tension in Palestine, the evidence of the public was almost worthless and it was only where the police could catch a man and find on him some corroborative evidence that it was possible to get a conviction.

Moreover, death sentences did not have much deterrent effect on the Arabs. An Arab who would shoot another man because he thought that he had been cheated out of a few piastres could not think very seriously of the death penalty. Life was held cheaply by Arabs. Nevertheless, the penalties were provided, and throughout the years death sentences had been imposed and executed. During the disturbances, moreover, a great number of sentences of imprisonment, ranging up to imprisonment for life, were imposed on Arabs, and the gaols were overflowing.

Count DE PENHA GARCIA noted what the representative of the mandatory Power had said; but he could not help thinking that the latter's statements conflicted to some extent with the annual report for 1936 of the Jewish Agency on the occurrences and, in particular, on the attacks against Jewish settlements. His own impartial conclusion was that for six months there were fairly serious disturbances, and that after that period order was re-established and the mandatory Power was in a position to ensure public security. It was a question whether the time taken to arrive at those results was not too long. Certain conclusions were suggested by the record of the facts. It was now known that measures of repression were delayed because the mandatory Power preferred to follow an indulgent policy and to aim at conciliation rather than resort to coercion. In conclusion, he put the following question: did the mandatory Power think it would be in a stronger position in the future than in the past to ensure peace and security in the country and prevent a recrudescence of trouble?

Mr. HALL said that the answer depended on what was meant by "peace", "security", and "recrudescence of trouble". Count de Penha Garcia was doubtless aware that, since what he had described as a restoration of security, there had been a number of outrages. Mr. Hall doubted whether, with the political tension as it existed at the present time, there could be complete immunity from outrages, whatever force was brought to Palestine. No police force, however large, and no army, however immense, could prevent isolated outbreaks. But, if general disorder broke out again, the Government would be forced to do what it had tried to avoid during the recent disturbances: that was to say, it would be forced to punish wholesale the guilty and the innocent, to take drastic measures under martial law against a number of people in order to discourage the others. That, in effect, was the recommendation of the Royal Commission, and it had been accepted by His Majesty's Government.^{10/}

Mr. ORMSBY-GORE thought it was a mistake to imagine that there was not now any insecurity in Palestine. There was more security than there had been during the disturbances: but the tension was still very great.

Count DE PENHA GARCIA said his question might have been put in the more definite form: was the mandatory Power now in a position to carry out its obligations--namely, to govern?

Mr. ORMSBY-GORE said that the mandatory Power had made it perfectly clear to the Mandates Commission, and would make it clear to the Council of the League, that in the absence of a radical change in the political relations it would not be possible to carry on, except by methods of continuous military repression. The fact was that in Palestine the vast majority of the population was hostile to the mandatory Power and to the mandate. The loyalty of the Arabs was not directed towards Great Britain, the mandatory Power, but to the Arab race and the Arab ideal. The Jews were critical and complaining; and their loyalty, naturally enough, was directed towards the Jewish people and their hope of a Jewish State. Palestine was unlike any other country with which the British Empire had to deal. Throughout the Empire, there was a very remarkable loyalty to the King which extended to many races. That factor was not operative in Palestine. The task of the mandatory Power in Palestine was unique. The country was unique: the difficulties were unique: and the political situation, as it resulted from the past fifteen years, was such as to make political treatment essential if ordinary security for life and property and a civilised progressive Government were to be assured.

Count DE PENHA GARCIA thanked Mr. Ormsby-Gore for his reply.

Mlle. DANNEVIG said that, in view of the very strong words just used by the accredited representative, it was difficult to ask further questions. Some might say it was the responsibility of the mandatory Power that things had come to such a difficult situation. It did not appear that things were so bad at the very beginning. She had the greatest respect for the excellent work done by the present High Commissioner and understood the immense difficulties he had to fight against.

When she read paragraphs 50 and 52 on page 24 of the report for 1936, she was, however, struck by the words used by the High Commissioner in speaking to the members of the Arab Higher Committee invited to meet him. The High Commissioner said that he "*counted* on them to use their influence to check disorder and *asked* them to explain to all over whom they had influence that the police would not hesitate to quell the disturbances". Later, he said that "he *warned* them against being associated with illegal acts subversive of Government and *urged* them to use their influence to restrain people from violence and sabotage, and advised them to send their deputation to London".

Were not those rather feeble words on the part of an administrator addressing people who, after all, were his subjects, if contrasted with what was said by Lord Plumer when he was approached by a number of Arabs who spoke about the security of the country. Lord Plumer told the Arabs they need not concern themselves with the security of the country: that was his business.

Mr. Hall had said that there existed reasonable security in the country. Did not that statement conflict with what was said later that the lives of the Arab officials of the

Government were in daily danger, and that their action was due to their wives' fears of the terrorists? She had the greatest respect for the patriotic feelings of the Arab women and sympathy for their anxiety about the lives of their husbands; but she found it somewhat striking that so much responsibility should be laid on them as regards their husbands' actions and that so much importance should be attached to their opinions in this case, in view of their otherwise retired lives, their lack of educational facilities and their inability to vote.

Referring to page 160 and following of the report of the Royal Commission, Mlle. Dannevig wondered whether one of the greatest difficulties of the Palestine Administration was not that it was unable to rely on the work of its Arab officials, in particular, it would appear from what had already been said, on those in the Intelligence Service?

All these factors, she understood, were, nevertheless, only surface matters. What was at the bottom of the whole trouble was the political situation and the fact that the conception of the Balfour Declaration was evidently not the same to-day as it had been--Mlle. Dannevig thought she might say throughout the world--in 1917 when the Declaration was made.

The Arabs had been embittered by the unexpected success of the Jewish national home. She wished to ask whether it was a growing understanding of the Arab view of the Balfour Declaration which inclined the British Administration to use as lenient and sympathetic methods as possible in dealing with the agitation and crimes during the riots.

The accredited representative had mentioned the actions of "bad boys" and other irresponsible influences. These were not facts tending to convince one that the projected Arab State would soon be fit to become a sovereign State and govern itself.

Mr. HALL explained that the passage at the foot of page 23 and the top of page 24 of the report for 1936 was a compressed account of a relatively lengthy interview. The Arab leaders informed the High Commissioner that they deplored, as he did, the acts of violence and disorder, but they were impotent to bring them to a stop, unless the Government was prepared to give them what all the representative Arab organisations demanded. The High Commissioner replied that, nevertheless, he counted upon them to use their influence to stop the acts of violence.

Lord Plumer's retort was made in a rather different connection. An Arab dignitary had informed Lord Plumer that, if certain action were taken, he could not be responsible for the security of the country. Lord Plumer naturally replied that he himself was responsible for the security of the country. No disturbances were in progress on that occasion.

"Security" was a relative term; and the problem of protecting individual lives or individual families scattered throughout Palestine against political murders obviously presented almost insuperable difficulties.

It was true that Arab women had no right to vote. Nor had Arab men for that matter. But Arab women were politically minded--very much so. He had himself been interviewed on several occasions by deputations of Arab women who had put forward political views with more emphasis and vigour than their menfolk. Unquestionably, Arab women--that was to say, Arab educated women--felt very strongly about politics; by "politics", he meant, of course, inter-racial politics.

As to the suggestion that the mandatory Government was not able to rely on its Intelligence Service, that was not a fair reproduction of what he had said on the previous day with regard to the Criminal Investigation Department. It was not that the Criminal Investigation Department--British, Arab and Jew--failed to do good work, but that their sources of information dried up.

As to Mlle. Dannevig's fear that the presence of "bad boys" in the villages meant that the Arab part of Palestine was unfit to govern itself, he could only say that similar "bad boys" existed in England; but it would hardly be suggested that England was, for that reason, unfit to govern itself. Once the inter-racial stimulus was removed, these young men would revert to their peace-time habits of engaging in village disputes. These village "fasads", as they were called in Arabic, were endemic in Palestine: they were not a problem seriously affecting the security of the country.

Mr. ORMSBY-GORE wished to explain what was the situation. The mandatory Power, administering (as it did) on behalf of the League a territory of which it was not the sovereign, came to the League, in consequence of recent happenings, and stated the facts of the case. What did the Mandatory say? It told the Mandates Commission--as it would tell the Council later--that they were convinced of the necessity of political changes. That action placed a certain responsibility on the Mandates Commission, as the technical advisers of the Council, to pronounce as to whether the mandatory Power had, or had not, made out a case.

He was not quite clear as to Mlle. Dannevig's point in regard to the Balfour Declaration and its interpretation by the mandatory Power up to the present time. It was not easy to define in political terms what precisely the Declaration meant. All kinds of glosses and interpretations had been put on it from time to time by different persons. For the last seven years, His Majesty's Government had based its interpretation on (1) its obligation to the Jews in respect of the establishment of the Jewish national home and (2) its obligation to safeguard the civil and religious rights of the non-Jewish population. The Council of the League, acting on the advice of the Mandates Commission, had accepted the principle that those two considerations should have equal weight.

The view of His Majesty's Government as to the intentions of the Balfour Declaration was as follows:

"His Majesty's Government and their predecessors, since the obligations of the mandate were accepted, had taken the view, which the tenor of the mandate itself implies, that their obligations to Arabs and Jews respectively were not incompatible, on the assumption that in the process

of time the two races would so adjust their national aspirations as to render possible the establishment of a single commonwealth under a unitary Government."

That had hitherto been the policy as his Government understood it. His Government now came and told the Mandates Commission for the first time that it did not believe the evolution of Palestine into a self-governing State on a unitary basis was possible, owing to the intense rivalry between the two races.

Mlle. Dannevig had suggested that, because the Arabs had risen in arms against the mandatory Power last year, and because in the villages there were Arabs who took life lightly and were not deterred by the prospects of prison and ordinary civilised punishment, and because even among officials there was not that absolute loyalty which one had a right to expect, therefore Arab Palestine was incapable of self-government. He had heard those arguments used by die-hards in Parliament in England about India: they were the recurrent theme of all the debates on the recent Government of India Act. Rightly or wrongly, His Majesty's Government, faced with incident after incident in India and continual pressure upon the police, had come to the conclusion that the first essential in dealing with the Indian problem was to throw responsibility for maintaining law and order on to the self-governing provinces. It was his definite opinion that, once the Arabs of Palestine (fired, as they were, with political hostility both to the mandatory Power and to the Jews) were given self-government, it would be to their interest to maintain security. At the same time, he thought that, by segregating the Jewish population as a separate State and confining the mandatory Power to certain small areas, the major cause of the association of crime and politics, which had been increasingly apparent for a number of years past in the life of Palestine, would be eliminated.

His Majesty's Government conceived it as of the essence of such a mandate as the Palestine mandate, an A mandate, and of Article 22 of the Covenant, that Palestine should be developed, not as a British colony permanently under British rule, but as a self-governing State or States with the right of autonomous evolution. His Majesty's Government might be wrong: if so, let the League say so. Mlle. Dannevig had raised fundamental questions. He, too, had a fundamental question to raise, and he hoped that before long his Government would get an answer. What, he asked, in the view of the League, was the ultimate aim of the mandate for Palestine? What, in the light of events, did the League expect the mandatory Power to do? What view did the League take of the future responsibility of the mandatory Power and of the future of the mandate?

Those were difficult questions, which could not be solved at one sitting of the Mandates Commission or at one meeting of the Council. He had only tentatively outlined the solution which appeared to His Majesty's Government at this moment the most hopeful line to explore.

Mlle. DANNEVIG thanked Mr. Ormsby-Gore for his reply: but there still remained in her mind a doubt as to whether, after fifteen years, it was indispensable to give independence to the Arabs, and whether there was not some other means of dealing with

the situation.

As to the "bad boys", it was not the existence of such boys which had struck her, but the alleged political influence of their misdoings on responsible people.

Lord HAILEY said that a definite allegation had been made that, at various times, when the military had had it in their power practically to destroy some of the insurgent bands, they had been restrained by civil orders from doing so. Was there any truth in that allegation? Had any orders been issued which had led to any curtailment of the action of the military in dealing with the bands?

Mr. HALL replied that no such orders had been issued.

The CHAIRMAN reminded the Commission that Mr. Ormsby-Gore had to leave Geneva; contact between the Commission and the first accredited representative would thus be temporarily interrupted. Before his departure, the Chairman would like to give him an opportunity of dispelling the perplexity aroused by certain facts brought to the Commission's knowledge during these early meetings.

Two of these facts appeared to him to deserve particular attention. The first was the revelation, made at the ninth meeting, of the power of Arab opinion in Palestine. The second was not exactly a revelation, as it was already known to the members of the Commission; he referred to the intervention of the Arab Princes--that was to say, of foreign heads of State--in the internal affairs of the mandated territory.

The Chairman, speaking in his personal capacity, would first of all deal with the intervention of the Arab Princes. In what circumstances had that come about? He did not know and he did not ask to know. He would not say that that intervention was solicited, as he had no reason to believe that it was; but he observed that it had been tolerated, and he would even go so far as to say that it seemed to have been welcomed, since it had occurred at a time when, despite the signs of fatigue shown by the Arabs, there seemed no prospect of an end to the strike or to the boycott of the Royal Commission by the Arab Higher Committee, so that this external intervention was necessary to put an end to both. As soon as intervention on the part of the Arab Princes in the internal affairs of Palestine had been permitted, and recognised more or less as legitimate, the situation was completely transformed. From that time forward, what could rightly be considered as a local problem had become the centre of a vast international problem. The Arab intervention had been a first step in a direction in which fresh difficulties and obstacles to the solution of the problem were almost bound to be encountered. Those difficulties were already beginning to take shape.

The Mandates Commission had received a telegram from the Iraqi Government--that was to say, from the Government of one of the States which had intervened to put an end to the strike and the boycott. In that communication, the Iraqi Government referred to the special concern which it felt in regard to the problems of Palestine, a concern already emphasised "when His Majesty the King of Iraq, in consultation with their Majesties the

Kings of Sa'udi Arabia and the Yemen and the Emir of Trans-Jordan intervened with the Arabs of Palestine last October to secure peace in Palestine".^{11/} He would not read the whole letter, but only the following passage: "The Iraqi Government thereby (by intervening and by justifying its intervention on the ground of its confidence in the intention of its ally, *the United Kingdom*, to do justice) accepted the gravest moral responsibility towards the Arabs of Palestine and pledged itself to continue its efforts to assist them. . . . The Iraqi Government now seeks further to implement its pledge to the people of Palestine and to assist in reaching a solution of the problem which will be permanent, sending to the Permanent Mandates Commission its emphatic protest. . . ."

In other words, a third party had intervened in the present debate which it would seem should be confined to the Mandates Commission, organ of the League of Nations, on whose behalf the mandate was exercised, and the mandatory Power.

For the Mandates Commission, Palestine had never ceased to constitute a separate entity. It was one of those territories which, under the terms of the Covenant, might be regarded as "provisionally independent". The country was administered under an A mandate by *the United Kingdom*, subject to certain conditions and particularly to the condition appearing in Article 5: "The Mandatory shall be responsible for seeing that no Palestine territory shall be . . . in any way placed under the control of the Government of any foreign Power".

The Chairman would not go so far as to say that the Iraqi Government was making a deliberate attempt to control Palestine; but a foreign Power was intervening in Palestine's internal affairs, and it was difficult to distinguish between intervention and control.

Palestine, as the mandate clearly showed, was a subject under international law. While she could not conclude international conventions, the mandatory Power, until further notice, concluded them *on her behalf*, in virtue of Article 19 of the mandate. The mandate, in Article 7, obliged the Mandatory to enact a nationality law, which again showed that the Palestinians formed a nation, and that Palestine was a State, though provisionally under guardianship. It was, moreover, unnecessary to labour the point; there was no doubt whatever that Palestine was a separate political entity.

That being so, how was it conceivable that foreign Powers could be allowed to intervene in the internal administration of that separate political entity, in that administration for which the mandatory Power was solely responsible? It might be replied that they were Arab Powers; they were nevertheless foreign Powers in the same way as any other State outside Palestine, whether it was a Member of the League of Nations or not. The Chairman had the impression that by a singular anticipation of an event which might occur but might just as well never occur, this Palestine, a separate political entity, had in a way been regarded already as an Arab province, as one of the members of a vast Arab confederation.

The Chairman now wished to emphasise the importance of the revelation made at the ninth meeting ^{12/} regarding the extent of the influence which Arab opinion exercised on

the decisions of the mandatory administration. He referred to that collective manifestation of indiscipline or censure of the mandatory Power's policy which had been made by Arab officials and magistrates, whom the Mandatory had not called to order.

He had gathered the impression that the unanimity and violence of the Arab opposition within the territory no longer left the mandatory administration complete liberty to take the steps necessitated by circumstances. That fact constituted another signpost of paramount importance in regard to the future.

The Chairman compared the attitude of the mandatory Power, as indicated to the Commission, with the attitude maintained throughout both by the Arabs in Palestine and by the chiefs of the other Arab States. The accredited representative had repeatedly stressed the attitude taken up by the mandatory Power and had done so with the greatest precision in the course of the first hearing, when he had stated the object to have been the giving to Palestine of the best form of government, in conformity with the spirit of the Covenant and the Balfour Declaration. The conflict with the attitude taken up by the Arabs was abundantly clear. The Arabs would have nothing to do with the mandate: they would no longer have the Balfour Declaration. They also rejected the solution now contemplated by the mandatory Power--that of partition. In those circumstances, it was justifiable to ask whether the mandatory Power really intended to subordinate any solution to the approval of the Arabs. It had been said that there would be two treaties--one with the Jews and the other with the Arabs. Did that mean that it was seriously hoped to induce the Arab community in Palestine to agree to any solution "in conformity with the spirit of the Covenant and the Balfour Declaration".

The Chairman wanted a clean break with the realm of illusions in which it had hitherto been thought fit to dwell. The story of Palestine was a succession of broken illusions: the illusion that it would prove possible to set up a State composed of two elements, the Arab already occupying the country, and the Jew who had introduced himself there, and that they would live together in harmony; the illusion that, in such a country, the majority would see, in the liberal form of government proffered, anything but a weapon with which to crush the minority and to destroy the mandate--that was to say, the very constitution of the territory.

Was it not yet again an illusion to believe that the Arabs, whose resolve seemed to be final, could be led to acquiesce in any solution whatever, whether that of maintaining the mandate, or a modified mandate still based on the Balfour Declaration which they had rejected, or that of partition, to which they had already declared their hostility?

Mr. Ormsby-Gore had declared that the solution of the Palestine problem would be decided upon in concert between the League of Nations and the United Kingdom Government in agreement with Parliament. He had added that both the League of Nations and Parliament would be able to make their voice heard at every stage in the discussion. But it was futile to speak about a decision, if the one with whom the decision lay did not recognise his right to apply the decision.

Reverting to the part played by the Arab States, the Chairman asked whether, in the study of this question now taking place between the Mandator, represented by the Mandates Commission, and the Mandatory, it was considered that a third intervening party had the right to be heard.

The Mandates Commission's duty was to assist the Council to appreciate the merits of the different solutions which might be found for the problem of Palestine. But such a solution, excellent in every way, would cease to be so if it appeared that the mandatory Power subordinated its final adoption or execution to a consent which at the moment appeared unlikely to be given.

Accordingly, the Chairman thought that it would be well to clear up the two points which he had raised.

Mr. ORMSBY-GORE said the Chairman's question had raised matters of very fundamental and far-reaching importance to which, quite obviously, a considered reply was needed. Mr. Hall was in a position to give a full account of the intervention from time to time of the neighbouring Arab States. Mr. Ormsby-Gore had already alluded (as had the Royal Commission) to the significance of this continual interest of the surrounding States in the position in Palestine and its inevitable consequences. It would be better for the Commission to hear the facts from Mr. Hall.

If necessary, the complete text in English of the Chairman's questions could be sent to him in London. He would then cause an answer to be sent as soon as possible. In the meanwhile, if the Chairman's last two questions could be translated immediately, it might be possible for him to give some reply at once.

The CHAIRMAN repeated that he would be glad to know whether, in the event of agreement being reached between the League of Nations and the mandatory Power as regards a solution, the fulfilment of that solution might be prevented by hostile Arab opinion in Palestine, or whether the mandatory Power was prepared to impose the solution at any cost?

Mr. ORMSBY-GORE said that the Chairman's last question was very important. If the Council, representing the League as a whole, having examined the whole of this question and having given an opportunity to the Arab States Members of the League to have their say in the matter, pronounced finally upon it and was quite clear as to the solution it thought should be adopted, then he thought that it would be possible to go forward with the full authority of the League and carry it out.

That situation has not yet been reached; and it was very difficult at the present stage to answer the question. Until it had been ascertained whether there was any chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, until the matter had been explored in the conciliatory spirit of the League, he did not think it would be proper to contemplate imposition. But if, finally, in the light of actual events,

the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he hoped that the latter, with the League behind it, would be in a position to apply that solution. The territory was administered on behalf of the League. Its fate was a matter for the League. That was his general view of the question.

The CHAIRMAN observed that Mr. Ormsby-Gore had not replied to the other question concerning the intervention of the Arab States.

Mr. ORMSBY-GORE said at this stage he could not add to what he had just said, and that Mr. Hall would endeavour to deal with the question of the intervention of the Arab rulers at the Commission's next meeting. Once independent Arab States in the neighbourhood of Palestine had been set up and had (some of them) become Members of the League, it was inevitable, in view of what was sometimes called Pan-Arab feeling, that they should interest themselves in the position of the Arab population of Palestine. That was part of the problem of Palestine. Of the countries surrounding Palestine, Egypt and Iraq were Members of the League, and Syria would shortly be a Member. His Majesty King Ibn Saud, whose country was not a member of the League, had been the first to express concern regarding the disturbances in Palestine. His country had a common frontier with Trans-Jordan.

The problem of Palestine could not be isolated as though it were in Europe or somewhere else. That was part of the problem as a whole. It was necessary to face facts and produce a solution, in the spirit of the Covenant, which would make for the peace of the world. Mr. Ormsby-Gore had not underestimated the consequences of a running sore in Palestine, to the Jewish people, to Great Britain, and to the Moslem world. If that running sore could be healed by some solution, he was sure that the object for which the League existed would be realised--namely, the preservation of the peace of the world and the creation of good relations between different races and States.

ELEVENTH MEETING.

Held on Friday, August 6th, 1937, at 10.30 a.m.

Palestine: Examination of the Annual Reports for 1935 and 1936 (continuation):
Disturbances of 1936 (continuation): **Plan of Partition of the Territory** (continuation).

Mr. Hall came to the table of the Commission.

INTERVENTION OF THE ARAB RULERS (*continuation*): COMMUNICATION
FROM THE IRAQI
GOVERNMENT, JULY 30TH, 1937 (*continuation*).

Mr. HALL said he would make certain immediate comments on the Chairman's statement

at the close of the last meeting. After he had studied the English text, he would be prepared if the Commission desired, to return to the subject again.

M. Orts' statement was all the more serious as coming from the lips of the Chairman. He would have preferred that Mr. Ormsby-Gore could have studied it and replied to it fully himself if a reply were now required from Mr. Ormsby-Gore, considerable delay would be involved. It would be necessary to consult the Government in London, as certain of the questions went further than had yet been explored, and perhaps even further than His Majesty's Government was at this stage prepared to go.

Mr. Ormsby-Gore had already replied to one of the Chairman's questions: so Mr. Hall need not refer to it again.

There was one passage in M. Orts's statement which might give rise to the doubt whether the Arab Kings had been asked by the mandatory Power to intervene. That doubt, if it existed, need not remain. There had been no question of the mandatory Power, or the Palestine Administration, inviting the intervention of any foreign Ruler. That intervention had been solely and entirely on the initiative of the Rulers themselves. Perhaps it would interest the Commission to know how it came about. In the first place, the very fact of the deadlock in itself made some intervention by the Arab States probable. The obstinate adherence of the Arabs to their initial condition for the calling-off of the strike--namely, a stoppage of immigration--and the determination on the part of the mandatory Power that there should be no concession to, or as a consequence of, violence and disorder, had created the deadlock. The deadlock led to loss of life and suffering amongst Arabs in Palestine, which in turn aroused sympathy and excitement in the neighbouring Arab States.

Such was the position when King Ibn Saud asked whether His Majesty's Government would permit him to try and use his influence with the Arabs of Palestine to induce them to stop the strike and disorders. In that communication he said that he had full confidence in the fairness of the British Government and believed that it would treat the Arabs equitably and impartially. His Majesty's Government said that it had no objection to his using his influence to try to put an end to the state of affairs existing in Palestine, but it made it quite clear that in no circumstances would it agree to any concession whatever to violence. There would have to be an unconditional calling-off of the strike and the disorders arising out of it. King Ibn Saud then took steps to ascertain what the feeling in Palestine was, and whether any intervention by himself was likely to bring about the result which he sought. He also consulted the Government of Iraq. His enquiries led him to the conviction that at that stage no intervention by himself or by his fellow Arab rulers would be effective, unless His Majesty's Government was prepared to make a concession.

Later, at the beginning of August, the Amir Abdullah also attempted to intervene on the side of law and order. He called a meeting in Amman of a number of Arab leaders of all shades of opinion in Palestine. But on exploring the position, he too found that there was no possibility of effective intervention without some concession on the part of His Majesty's Government. It was perhaps some index to the feeling in the country that one

of the moderates who had attended that conference and who was believed to be prepared to work for peace, the Mayor of Hebron, was murdered.

In the second part of August, Nuri Pasha, the then Foreign Minister of Iraq, who was on his way to Europe, asked whether, as a private individual, he could use his personal influence with the Arab leaders in Palestine in the direction of peace. No objection was offered. Nuri Pasha went to Jerusalem and conducted a number of conversations, not only with the Arab Higher Committee, but with other representative Arabs. From these conversations, there emerged a proposal that the Iraqi Government should mediate formally between His Majesty's Government and the Arabs. His Majesty's Government was not prepared to accept such a situation and Nuri Pasha left the country. On the day he left, the Arab Higher Committee issued a manifesto in which it called upon the Arabs to continue their strike until the negotiations with Nuri Pasha, to which it referred, bore fruit.

On September 7th, His Majesty's Government issued its statement announcing that large reinforcements were being sent to Palestine, that, in effect, British patience had been exhausted, and that the rebellion would be put down by all drastic means possible. Immediately that statement was made, the High Commissioner interviewed members of the Arab Higher Committee--it was then September, and this was the first time he had met them since May--and impressed upon them the folly of continuing the strike and the disorders, and urged them to submit at once. Similar communications were made by District Commissioners to representative Arabs in the districts.

The Arab Higher Committee apparently then got into touch with the Arab Rulers, with the result that, on October 8th, the latter issued their appeal to cease disorders. At no time was any promise given that a concession would be made by His Majesty's Government, nor was anything ever said which might lead the Arab Rulers to think that they had been placed in any formal position to intervene in the affairs of Palestine. As the Commission knew, the strike came to an end and there was no stoppage of immigration.

Those were the facts.

M. Orts had said at the previous meeting that what was a local problem had become a vast international problem. Mr. Hall did not think that Palestine had ever been a local problem. Palestine had always reacted immediately to what happened abroad. A speech in the House of Commons, a resolution at Zurich, often had greater repercussions than anything that might happen in the country itself. Mr. Ormsby-Gore had emphasised what was apparent to anyone who read the Royal Commission's report--that there was a growing solidarity and unity of Arab feeling in Arabia. That force existed. It was no good adopting an ostrich-like attitude towards it. It existed, and must be taken into consideration. It was a potent influence on events in Palestine. But to say that the intervention of the Arab Rulers had entirely altered the problem in Palestine was to misrepresent the position. Whether it had increased Arab solidarity was a matter of surmise. Actually, a few months after the disturbances the feeling of the Arabs of Palestine towards the Iraqi Government was colder than it was before the disturbances as

a result of the Iraqi Government's treatment of Fauzi Kauwakji.

M. Orts had referred to the communication received from the Iraqi Government which, he suggested, implied a wish on the part of that Government to control, or at least to intervene in the affairs of, Palestine. Mr. Hall was not there to defend that communication; but he suggested that this was not the first case in which a foreign State and a Member of the League of Nations had made representations to the League in regard to the treatment of persons of their own race or religion the subjects of another foreign country, and had made such representations in language perhaps even more forceful than that of the Iraqi Government. The fact that the Iraqi Government had made representations to the Arab leaders which had led to the stoppage of the strike and disorders had given it no formal right of intervention.

Mr. Hall himself did not see in Iraq's intervention to stop the strike any evidence of a desire on the part of Iraq to control the affairs of Palestine. He felt sure himself that the true reason of the Arab rulers' intervention was humanitarian, a desire to stop unnecessary suffering and loss of life.

Mr. Orts' final question, to which Mr. Ormsby-Gore did not reply, was whether there was to be a third party in the negotiations that would have to take place before any scheme of partition could be applied--in other words, did the Arab States constitute a third party coming between the League of Nations and His Majesty's Government? The answer was: No. There were two parties only--the League of Nations and its organs on the one hand, and His Majesty's Government as the mandatory Power on the other. Whether His Majesty's Government would or would not engage in conversations with the Government of any individual Arab State, or with any other Government, he was not prepared to say at that stage: he clearly could not accept any circumscription of the diplomatic liberty of His Majesty's Government. The intervention of the Arab Kings had not, he repeated, resulted in the interposition of a third party between the League of Nations and His Majesty's Government. If his reply did not satisfy the Chairman, if the Commission wished him to go further, he was ready to consult His Majesty's Government in London.

M. Orts had also referred to a passage in Mr. Ormsby-Gore's speech, in which the latter said that he wished to establish the best possible government in Palestine in the spirit of the Covenant and the Balfour Declaration. The reference to the spirit of the Covenant was, he imagined, a reference to paragraph 4 of Article 22 ("national independence"). The reference to the Balfour Declaration was a reference to the dual obligation (the National Home on the one hand and the preservation of the rights of the Arabs on the other).

M. Orts had asked whether His Majesty's Government could guarantee Arab support for the scheme of partition. Obviously, it could not at this preliminary stage. Mr. Ormsby-Gore had not asked the Mandates Commission as yet to go so far along the road leading to partition. It was a road that would have to be explored; and, when His Majesty's Government had explored it, it would have to come back to the Mandates Commission and the League Council with a definite scheme. In the meanwhile, all that the Mandates

Commission was asked to do was not to erect a barrier across the road, so as to prevent further exploration.

The CHAIRMAN said he would reply very briefly to the various points raised by Mr. Hall.

Mr. Hall had asked whether he was to understand from what the Chairman had said that there was some doubt as to whether the intervention of the Arab Princes was solicited by the United Kingdom Government. He answered that he had expressly stated at the previous meeting, and he now repeated, that he had no reason to believe that was the case. What he had said was that their intervention had been tolerated, and it was on that point that he had insisted; he had added that he felt justified in concluding that the intervention was welcome. He based that last statement on Mr. Hall's remark at the sixth meeting:¹³ "It was a fact that, at an earlier stage, King Ibn Saud made enquiries as to whether he could use his influence in helping to put an end to the conflict, and prevent further loss of life . . ." The reply in effect was that the United Kingdom Government "would be glad if he could use his influence to bring the people (*i.e.*, the Arabs of Palestine) to their senses . . ." Those words made it clear that the intervention of that Arab Prince was welcomed. Neither the Chairman, nor any one else, had of course imagined for a moment that the United Kingdom Government had gone from the capital of one Arab States to that of another asking for intervention. The members of the Mandates Commission were not in the habit of entertaining such unlikely suppositions.

He admitted that the problem of Palestine had never been a purely local problem, in the sense that any Jewish manifestation anywhere in the world had its effect in Palestine, and also, as Mr. Hall had said, that the Arabs of Palestine were very sensitive to Arab thought outside Palestine. The Chairman quite agreed: but his idea had been that the fact of the intervention of the Arab Princes having been tolerated had modified the whole aspect of the problem. It had provided the grounds for the present protest that one of those Princes had addressed to the Mandates Commission. The fact that that intervention by an Arab Prince has been tolerated must, in the Chairman's view, have far-reaching consequences, inasmuch as it constituted a first step in justification of the intervention which was now taking place. Moreover, the Iraqi Government's letter stated that its *raison d'être* was expressly the part that the Government had already intervened once.

M. RAPPARD thought it was not exactly a question of a precedent having been created: but the Iraqi Government founded its present intervention on the fact that it had previously intervened, which it contended gave it certain moral rights in the matter. Having assisted the mandatory Power in appeasing Arab opposition in Palestine, the Iraqi Government now presented a note which might be read as a bill for services rendered.

The CHAIRMAN admitted that if that argument had not been available, the Iraqi Government might perhaps, have used another. But the fact remained.

Mr. HALL pointed out that the Iraqi Government had said that it regarded itself as having assumed a moral obligation. But that did not give the Iraqi Government any new or

special status *vis-à-vis* the League; it did not affect the position of the League *vis-à-vis* the Iraqi Government. The League was surely the only judge as to whether the fact that the Iraqi Government considered that it had assumed a moral obligation gave any greater validity to its representations.

The CHAIRMAN explained that the moral obligation to which the Government of Iraq referred was that which resulted from its first intervention.

Mr. HALL agreed; but it was not unlikely that in any event the Iraqi Government would have made representations to the League. It would have found a moral obligation in the existence of ties of religion, race, etc.

It was perfectly true that the Iraqi Government had taken this incident as supplying a moral obligation which, in its opinion, justified the letter to the League of Nations. But how did that tie the hands of the League of Nations in any way? The League was just as free as it was before. That was, in Mr. Hall's opinion, the really important point.

The CHAIRMAN said that Mr. Hall had observed that it was not the first time that a State Member of the League had intervened on behalf of persons residing in foreign territory, who were subjects of a foreign country, belonging to the same race or the same religion as the population of the intervening State. That the Chairman willingly admitted: but, if Mr. Ormsby-Gore had been present, he would have reminded him that, when a similar theory was advanced in his presence on a former occasion, it invoked a reply from Mr. Ormsby-Gore himself which showed that that theory could never be put into practice in the British Empire. The reply in question was made at the Sixth Committee of the fourteenth Assembly of the League of Nations.^{14/}

Mr. Hall had stated that the Government of Iraq had no desire to control what was happening in Palestine. The Chairman recalled having read that it was a question of a desire to intervene, and he remembered that he then pointed out that the difference between such a desire and the desire to control was very slight. He admitted that the step taken by the Government of Iraq did not prove a wish to control; but it furnished sure proof of a desire to intervene in the internal affairs of Palestine.

Mr. HALL pointed out that he had said there was no evidence of such a desire. He could not speak for what was in the mind of the Iraqi Government; but he thought that the primary, that the sole, object of the intervention of the Arab Kings was humanitarian. As far as one could tell, there were no political motives behind it. It was undertaken with a view to putting an end to a situation which was causing loss of life, injury and misery to fellow Arabs in Palestine.

The CHAIRMAN did not propose to discuss the question of the motives which had animated the Iraqi Government. He preferred to believe, however, that, at any rate at the outset, that Government had been prompted by humanitarian motives. But he noted that those motives had led to interference in the internal affairs of Palestine and, finally, to the initiative in question.

Mr. HALL repeated that he did not think that the Iraqi Government would have had much difficulty in finding another excuse, if that particular one had not been forthcoming.

The CHAIRMAN, in speaking of an "anticipation", had meant to allude to a certain tendency to treat Palestine as a province or component part of the vast Arab confederation which might one day be set up.

He had only wondered whether the readiness with which the intervention of the Arab Kings had been accepted was not an indication of the fact that the principle of the territorial independence of Palestine had to some degree been obscured in the mind of the mandatory Administration. That foreign intervention had been welcomed; yet, if some other country, under British sovereignty or protectorate, and not Palestine, had been in question, it would clearly have been rejected. He felt justified, therefore, in wondering whether the intervention of the Arab Princes had not been so warmly welcomed because the mandatory administration was imbued with the idea that Palestine, part of a vast Arab world, was destined one day to form part of a great Arab confederation. The Royal Commission's report, which the United Kingdom Government had accepted, did, in fact, look to the creation of such a confederation.

Mr. HALL recalled that M. Orts had referred to the spread of the belief, for which he held the Administration responsible, that Palestine was not a distinct political entity in itself but a part of a great Arab Confederation. But the conception of Palestine as a part of Arabia had been present in the minds of the Arabs since the beginning of the mandate. The Arab, as M. Orts was no doubt aware, was in the habit of referring to Palestine on political occasions as "Southern Syria". The union of sentiment between Palestine and the rest of Arabia was strongly developed before last year's incident: and, but for the existence of that sentiment, the intervention of the Kings would have been ineffective.

As was clear from the report of the Royal Commission, the Arabs in Palestine were anxious to attain national independence and, in the words of the statement issued by the Cabinet, wished "to co-operate on an equal footing with the Arabs of neighbouring countries in the cause of Arab unity and progress".

The CHAIRMAN, continuing his reply to Mr. Hall, passed next to the accredited representatives' observation to the effect that the United Kingdom Government was free to enter into negotiations concerning Palestine with any other Government, should such Government be, for one reason or another, concerned in the affairs of Palestine, in particular, as regards the possibilities of continuing immigration under the solution finally reached. Needless to say, nobody dreamt of limiting any such activities of the United Kingdom Government.

As regards the right claimed by Iraq to intervene in the debate at this moment, Mr. Hall had replied in the negative. That reply, made unreservedly, gave the Chairman complete satisfaction. Had the United Kingdom Government declared that Iraq was entitled to be heard in connection with the request for an opinion addressed by the Council to the

Mandates Commission, the latter might have found itself under the necessity of noting that this or that particular solution, possessing obvious advantages, also possessed the disadvantage that it would suffice for Iraq, and possibly the other Arab States, not to be in favour of it in order for it to be excluded.

The Chairman did not contest Iraq's right to be heard on the subject of Palestine, within the framework of the League and through the proper channels. But the Mandates Commission had received a letter in which Iraq, in offering her help in the search for a permanent solution, proceeded to take up from the outset an attitude of protest against any solution involving partition. It was in the light of those considerations that he had made his observations. There were a number of other countries which would in due course have to interest themselves in this matter, but that would come at a later stage, with which the Commission was not at present concerned.

Mr. HALL said that the formal position was no doubt as the Chairman had stated. As to the extent to which any statement by the Iraqi Government, or any action by the Iraqi Government, might influence Arab opinion in Palestine for or against the scheme of partition or any other scheme, he referred to what Mr. Ormsby-Gore had said at the close of the last meeting.

The CHAIRMAN said he would now come to his last point--namely, the necessity or otherwise of obtaining the consent of the Arab population in Palestine to the solution to be adopted.

The same question might equally well have arisen in connection with the Jews, if it had appeared from the study of the report that Jewish influence was strong enough to involve such a possibility of interference with the freedom of action of the Mandatory as the discussion at the meeting the day before yesterday 15/ had shown to exist in the case of the Arab population.

For seventeen years now, efforts had been made to reconcile Jews and Arabs, and, speaking personally, the Chairman felt that those efforts had failed throughout. The illusion had prevailed that Jews and Arabs could somehow be brought to live and work together harmoniously; but to-day the mandatory Power was the first to admit failure and to declare that a state of deadlock had arisen.

Was it still to-day intended to yield--in effect, if not officially--to the temptation of making the solution, upon which the mandatory Power and the League might agree, subject to acceptance by the Jews and the Arabs?

The following question thus arose: when a given solution was decided upon, would the Jews and the Arabs be asked if they agreed with it, or would they be presented with a *fait accompli*? That would not, of course, preclude the United Kingdom Government, supposing a Jewish State to be set up, from negotiating with the Government of that State, or with a qualified representative organisation, concerning the execution of that decision. The same applied as regards a treaty with the qualified representatives of the

Arabs. To prevent misunderstanding, he would add that he did not in any way exclude the possibility of Arabs and Jews bowing before the *fait accompli*. Indeed, his belief was that they would do so, provided the solution put before them was defensible in the light of historical facts and of certain existing undertakings, and if it were shown to be just.

It must not be forgotten that one had now reached the end of a period continuously marked by conflict between Jews and Arabs. The existing situation had arisen, because it had never proved possible to bring both parties to a like view of the same subject, because there was a gulf fixed between them, in regard to which Mr. Ormsby-Gore and Mr. Hall had argued, if not convincingly--for the Commission still had to determine whether the mandate could no longer continue--at least impressively.

In what he had just said, he was only expressing his personal view.

TWELFTH MEETING.
Held on Friday, August 6th, 1937, at 4 p.m.

Palestine: Examination of the Annual Reports for 1935 and 1936 (continuation):
Disturbances of 1936 (continuation): **Plan of Partition of the Territory** (continuation).

Mr. Hall came to the table of the Commission.

ROLE OF THE ARAB HIGHER COMMITTEE: PUBLIC SECURITY (*continuation*):
ARMS AND AMMUNITION.

Mr. HALL, replying to the question asked by the Chairman at the end of the previous meeting whether the United Kingdom Government thought that the Arabs and the Jews would accept any solution whatever, said that he preferred not to assume the role of a minor prophet. Indeed, at that stage he could not add anything to what had been said by Mr. Ormsby-Gore the previous day. The United Kingdom Government hoped, on the lines of the Royal Commission's report and recommendation, to be able to frame a definite scheme which would commend itself to the majority of both Arabs and Jews in Palestine.

As regards the manner in which His Majesty's Government would act in the event of either Jews or Arabs rejecting a definite scheme which commended itself to the Government and to the League of Nations, he could not go beyond Mr. Ormsby-Gore's statement on that subject, which was as clear as could be expected at this stage, when the whole position remained to be explored by the Government.

He wished again to remind the Commission that His Majesty's Government's request at

present was that the Commission should agree that that road should be explored. There was, obviously, no use in the United Kingdom Government going to all the trouble of negotiating with various people, and employing the services of various experts to make economic, political and financial enquiries if the League of Nations was finally going to object to the plan on principle, and decide that, though acceptable possibly to both races, and also to His Majesty's Government, it could not be pursued because, on grounds of principle, the League did not like it. At the present stage, Mr. Hall did not think anybody could be more precise as to the particular procedure that would be adopted by His Majesty's Government in the course of that exploration.

M. RAPPARD noted Mr. Hall's remark that, in his view, it was of no use His Majesty's Government continuing its exploration of the scheme if that scheme failed to commend itself to the League of Nations as being in conformity with its principles, or if, assuming a scheme were devised which would be acceptable both to the Arabs and Jews, it failed because it struck a reef at Geneva. M. Rappard was afraid that the former hypothesis was less likely than the latter; he could not imagine that the League would say "No" to anything to which the Arabs and Jews both said "Yes". Mr. Hall's statement in that respect did not seem to him realistic. As the Chairman had suggested, the Commission would rather reverse the proposition and say that it was useless for the League to consider all kinds of plans in conformity with, or in contradiction to, the mandate, if the League had reason to believe that no such plan would commend itself to His Majesty's Government unless the latter were assured of the support of both Jews and Arabs, or at least of the majority of the two communities. The only scheme which was in strict conformity with the principles which the Commission was called upon to safeguard was the mandate as it stood.

The position was that the mandatory Power came to the Commission and said that it must consider the possibility of discarding that scheme because the assumption on which it was based--confident co-operation between the two races--had failed to materialise, and that therefore, some other solution must be brought forward. That being the case, the mandatory Government's enquiry was naturally directed on the lines which had been indicated. The reason why the scheme which was in conformity with the Covenant was now being questioned by His Majesty's Government was that it had failed to produce the minimum amount of co-operation and acceptance from the two nations concerned.

If such were the objection to the present scheme, which was obviously in conformity with the principles of which the Commission was the guardian, *a fortiori*, the Commission would object to a scheme which would evoke the same disillusionment and which was not in conformity with those principles. That did not mean that the Commission would not be prepared to consider the advisability of otherwise implementing paragraph 4 of Article 22 of the Covenant and the Balfour Declaration, but, *prima facie*, it would not like to engage in an undertaking which was more remote from the scheme in favour of which it was naturally prejudiced, unless it knew that similar objections to those which had led to the possibility of discarding the present system would not be raised against the future system. It would be a different matter if the accredited representative could tell the Commission, for instance, that although the present regime had failed because the Jews

and Arabs had refused to accept it, the mandatory Power had now decided to go ahead with some other scheme, even if the Jews and the Arabs refused to accept it. If the United Kingdom Government maintained its position, and would only proceed with a scheme acceptable to both sides, there was little use in the Commission trying to give any advice.

Mr. HALL welcomed the statement by M. Rappard that, if a plan could be produced which was acceptable to both Arabs and Jews--he took this to mean the majority or a substantial number of Arabs and Jews--it would be acceptable to the League of Nations.

M. RAPPARD could not imagine that any scheme could be acceptable without enforcement.

Mr. HALL reverted to M. Rappard's pertinent remark that it could be argued that the Mandates Commission should not be asked to consider details until it knew that the scheme was likely to be acceptable. All His Majesty's Government was asking the Mandates Commission to consider, however, was the principle of partition, not its details. It was not as though the Mandates Commission were now throwing up the mandate, leaving a well-defined position to venture into uncharted seas; the mandate would continue until the Council of the League, acting on the advice of the Mandates Commission, had accepted something to replace it. The mandate would continue to operate until the United Kingdom Government had, after consultation with the local races and the League Council, devised some better arrangement than the mandate, better either because it was acceptable to both races, or conceivably because it was acceptable to one race but not so acceptable to the other, but anyhow a more workable scheme than the original mandate. Mr. Hall did not see that the Mandates Commission was committing itself now to any dangerous course. There was always the mandate to fall back upon, and if, as the result of its exploration of the partition scheme, His Majesty's Government were satisfied that it was impracticable and that it could not confidently recommend that scheme to the League, then it must fall back upon some other.

He suggested that it was as yet too early, and indeed undesirable, to talk of enforcement. As Mr. Ormsby-Gore had said, all the possibilities of conciliation should be explored before it could be said that this or that scheme had to be enforced.

M. RAPPARD remarked that to declare at the present juncture that the possibilities of conciliation would first be exhausted before any policy was finally adopted might make conciliation much more difficult, by putting a premium on excessive demands.

Mr. HALL said that, in suggesting that a policy of conciliation should at least be tried first, he was repeating what Mr. Ormsby-Gore had said. To follow up M. Rappard's own argument, supposing both sides, Jews and Arabs, said that they did not want partition, could they be forced to set up an independent Government? Could they be forced to apply for admission to the League of Nations? Obviously not. The situation might, however, be different if one side accepted a solution and the other side rejected it.

Count DE PENHA GARCIA pointed out that the present mandate was an imposed mandate. The population of Palestine had never recognised it. The Jews had only

accepted it subject

to reservations and requests for interpretations; the Arabs had always been opposed to it. If it were desired to seek a solution by other means than conciliation, the result would be the maintenance of something similar to the present regime, with certain modifications. It would, in fact, be necessary to impose on part of the population a system which it did not desire. What would be the advantage of that?

It would be dangerous to exclude in advance all possibilities of reaching a solution by means of conciliation. If one began by saying that conciliation was impossible, it would be necessary to resort to an imposed solution. Now that was precisely what the present system represented: if a solution were imposed on the Jews, the position would be reversed; if it were imposed on the Arabs, the position would not have changed.

Mr. HALL thought that M. Rappard had been discouraging the opening of doors towards conciliation.

M. RAPPARD accepted the image of the door but not its application. He did not think that any door should be closed to any fair solution. But if the negotiations began with a declaration that no scheme would ever be enforced which was not willingly accepted by the two peoples, that would, in fact, be closing the door to any successful conciliation. If that attitude were taken, the two parties might be expected to hold out in the hopes of obtaining further concessions, whereas if it were made clear at the outset that everything possible would be done to reach the largest measure of agreement, but that, if no agreement were achieved, the solution would be imposed, the chances of agreement would, in his opinion, be increased rather than lessened.

He pointed out that the Minutes of the present meeting would in due course be published. M. Rappard feared that, if the mandatory Power, having had an opportunity to make a clear statement, failed to take that opportunity, both sides would conclude that it was ready to continue negotiations indefinitely until agreement was reached.

Mr. HALL explained that he had never stated that His Majesty's Government was prepared to negotiate *ad infinitum*. There was a limit to the patience even of His Majesty's Government. What he had said was that he could not go beyond the following statement made by Mr. Ormsby-Gore the previous day: 16/

"Until it had been ascertained whether there was any chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, until the matter had been explored in the conciliatory spirit of the League, Mr. Ormsby-Gore did not think it proper to talk of imposition, but if, finally, in the light of actual events, the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he hoped that His Majesty's Government, with the League behind it, would apply that solution."

Count DE PENHA GARCIA noted that there was already talk of negotiation; that was very delicate ground. Before negotiating, it was necessary to know what one had to offer.

He wondered whether that method, which consisted of making offers or of not making them, could be adopted in connection with a matter relating to the mandate. The mandate had been established by the League of Nations, according to certain rules on which the League had agreed with the mandatory Power. Was it proposed now to change the procedure and negotiate with unorganised elements, since there existed no organised political body on either the Jewish or the Arab side? The intention of the mandatory Power must rather be to have the question examined whether the mandate in its present form could be carried out or not; that was the normal task of the Mandates Commission. If it were found that the mandate could not be carried out, it would be necessary to consider whether another solution--and Count de Penha Garcia wondered, and very much doubted, whether the mandatory Power intended to put forward a final solution in that connection--would be more acceptable than the present mandate--that was to say, whether it would provide a remedy for the defects which might be found in the mandatory system at present in force. He thought that that was the intention of the mandatory Power.

Mr. HALL admitted that, instead of "negotiations", it might have been more correct to say "exploratory conversations".

The CHAIRMAN asked the Commission to resume the examination of the reports.

Lord HAILEY said that that was precisely the point on which he wished to ask for the Chairman's ruling. The Commission had had a double task allotted to it--the examination of the reports for 1935 and 1936 and, subsequently, to report on the larger implications of the Royal Commission's recommendations. He did not know whether the Commission could yet be held to have finished its examination of the reports for 1935 and 1936 and whether the Chairman intended that, if that examination were completed, the members of the Commission should then formulate their opinions on the reports before proceeding to consider the second part of their task. He would be obliged if the Chairman would give some indication on that point, as it would perhaps be of assistance in the further examination of Mr. Hall.

The CHAIRMAN naturally regretted that the Commission should have suspended its examination of the reports for 1935 and 1936, and of the Royal Commission's report. That suspension was due to unforeseen circumstances; the Chairman would not himself have introduced a new notion into the discussion had he not felt it necessary to do so in view of Mr. Ormsby-Gore's imminent departure. If no member of the Commission desired to speak on the question he had himself raised, the Commission might resume its regular programme. Only after concluding the examination of the reports would the members be in a position to discuss among themselves and to finish the ordinary task of the Commission. In so doing, of course, they would, at the same time, be able to form an opinion concerning the decision which they would subsequently be called upon to take.

M. VAN ASBECK asked whether the Emir Abdullah of Trans-Jordan had the consent of the mandatory Government when he addressed an invitation to certain members of the Arab Higher Committee (report for 1936, page 30, paragraph 64). The Emir Abdullah

was the ruler of a territory under A mandate--that was to say, a territory which was not entrusted with the conduct of its external relations, which were reserved to the mandatory Power. That invitation was therefore an act of external policy guided by concern for the welfare of a neighbouring country, itself under A mandate. It was therefore evident that the Emir Abdullah's gesture ought only to have been made with the previous approval of the mandatory Government.

Mr. HALL said that the Emir's action had been taken with the knowledge of the mandatory Government.

M. VAN ASBECK said that this could only mean previous approval.

He would like to put some further questions concerning the Palestine Government's attitude towards the Arab Higher Committee. It had been set up on April 25th, apparently with the support of the organisation of local national committees. As its name implied, it took charge of the whole organisation at the centre. Its activities began by the adoption of a resolution (reproduced on page 23, paragraph 49 of the report for 1936) which urged the continuance of the general strike declared spontaneously by certain national committees. It would therefore appear that, as from April 25th, the sole responsibility for the strike rested with the Arab Higher Committee. There was no longer a spontaneous, unorganised movement, but an organised strike having as its primary object a "fundamental change in policy". That was tantamount to calling upon the mandatory Government to violate the Palestine constitution--namely, the mandate--and the international status of the territory. The Arab Higher Committee's resolution, not content with asking for a change in policy, went on to demand from the Government a kind of *peccavi*, a form of immediate admission of guilt, through the cessation of immigration.

On May 2nd, a violent manifesto was published by the taxicab drivers, inciting Arabs to civil disobedience.

On May 5th, there was an interview between the High Commissioner and the Arab Higher Committee, in the course of which the former warned the Committee against associating with those responsible for disturbance.

This fact showed clearly that, in the High Commissioner's mind, the Arab Higher Committee possessed sufficient authority to bring the strike to an end. The reply to his request was not long delayed. It was given in two different ways: first, on May 8th, a National Congress was held, in which the Higher Committee not only took part but might be supposed to have taken the lead. Who was responsible for having called this Congress of National Committees? Had the Arab Higher Committee complied with the High Commissioner's request by warning the national committees against a prolongation of the strike? It seemed clear that it had not, since the Congress ended with the adoption of a resolution urging civil disobedience.

Was it not a fact of the utmost gravity that such a widespread organisation should have urged civil disobedience--one of the extremer forms of passive resistance.

The second reply of the Arab Higher Committee to the High Commissioner's request of May 5th was a letter in which that Committee denied any responsibility for the movement, and stated that it was not in a position to bring the strike to an end.

Nevertheless, it was made clear throughout the annual report that the members of the Arab Higher Committee were conscious of their power to arrest the strike movement. The very words of their last-mentioned reply proved the fact clearly, since they declared themselves unable to stop the strike *unless* their demands were granted by the High Commissioner--that was to say, unless immigration were suspended. The decision, therefore, lay in their hands.

That reply was subsequent to a statement made in the House of Commons, on May 6th, by the Secretary of State, who made it clear that the United Kingdom Government would not give way, and that immigration would continue.

In the light of that statement, the letter of May 8th amounted to a clear challenge to the Government. It was not a request, but a challenge to be enforced by revolutionary means --namely, civil disobedience. The Secretary of State, in his Statement of September 7th (annual report for 1936, page 31) also spoke of "a strike of a definitely political character", of "methods which directly challenged the constituted authority".

In those circumstances, M. van Asbeck could not understand why the High Commissioner had negotiated, and could still negotiate in September 1936, with the Arab Higher Committee. Was not his attitude calculated to give the members of that Committee the impression that they were a power in the land and that, as the Royal Commission stated,¹⁷ they virtually constituted a second Government?

The Mandates Commission had been told that, had the members of the Arab Higher Committee been arrested, expelled or detained, another team would have taken their place. That might well be; but when the general staff had disappeared and the lower graded officers took its place, the army was already on the way to disorganisation.

Mr. HALL felt that he had already taken up a great deal of the Commission's time in dealing with the Arab Higher Committee. On the subject of the considerations which had prompted His Majesty's Government in its treatment of that Committee, the facts which had led to its creation, and the extent to which it was in a position to control events in Palestine, he thought that he could say nothing further without repeating himself.

Dealing with the specific questions which had been put to him, Mr. Hall said that the first implied that the Arab Higher Committee had been responsible for the strike.

M. VAN ASBECK intervened to say that, although the strike had perhaps been spontaneous at first, there had later been a resolution of the Arab Higher Committee to continue it. He was not asking for a reopening of the whole discussion, but was anxious to have the accredited representative's comments on his question whether the strike had

become an organised strike later, and that it had then been in the power of the Arab Higher Committee to call it off.

Mr. HALL repeated the view already expressed--that the Arab Higher Committee was at that stage unable to stop the strike. Even after six months of disturbances, and even in spite of the greatly increased military pressure and the fear of martial law, the Arab Higher Committee could not, he thought, have effectively stopped the strike and disturbances had it not been for the intervention of the Kings. The Arab Higher Committee had admittedly issued a manifesto declaring that the strike should go on until the demand for the cessation of immigration was satisfied, but in doing so the Arab Higher Committee was echoing what local committees had demanded and responding to the unanimous decision of the congress of local committees.

M. van Asbeck had then commented on the fact that the Government had maintained relations with the Arab Higher Committee throughout the period of strike and disorders. Actually, the High Commissioner had seen members of the Higher Committee on four occasions only. The meetings which the High Commissioner had held were formal meetings. The first was held on April 21st, shortly after the strike began, and was attended not by the Arab Higher Committee as such but by the party leaders with whom the High Commissioner had previously been conducting conversations about the Legislative Council and about despatching the deputation to London. At that meeting, the High Commissioner stressed the deplorable consequences of the disturbances--which, it should be remembered, had only just begun--and urged the Arab leaders to use their influence to check all forms of disorder. On the same day, the High Commissioner had seen the Mufti. That was the first occasion.

He saw the Arab leaders next on May 5th, following on the issue of a manifesto calling for civil disobedience and non-payment of taxes. The High Commissioner had then warned them of the gravity of their being associated with any such movement, and had urged them to restrain the people from acts of violence. In a written reply, the Committee had expressed its regret at the loss of life and illegal acts, but said that it was unable to call off the strike unless immigration were suspended during the time the delegation, which it had contemplated sending, was actually in London. The High Commissioner had, of course, left them in no doubt that that was not possible.

Then, on May 14th, the High Commissioner had seen the Committee again, solely in order to communicate to it the decision of His Majesty's Government to appoint a Royal Commission on Palestine.

There was no further meeting until September 12th, after the publication of His Majesty's Government's Statement in regard to Palestine, which forecast the sending of large reinforcements to Palestine under General Dill. The High Commissioner then warned the Committee that, unless the disturbances were called off in Palestine and the strike ended, the most drastic measures would be taken.

The assertion that the Government maintained relations throughout with the Arab leaders

was not in accordance with the facts. Relations had been interrupted between May and September. On each of the four occasions when the High Commissioner had seen the Arab Higher Committee, there was a special reason for summoning the Committee.

The CHAIRMAN observed that the information just given by Mr. Hall was to be found in the report for 1936 on pages 23 and 24. The point which the Commission was trying to bring out was whether that the Arab Higher Committee did not deserve the term "revolutionary" which M. van Asbeck had applied to it and which would have disqualified it from negotiating with the constituted authority. That Committee had been closely associated with the strike, but a strike was not necessarily a revolutionary act. In many countries, the right to strike was recognised. A distinction should therefore be made between the strike and the disturbances; to confuse those two ideas made it more difficult to ascertain what responsibilities the Arab Higher Committee might have incurred. What M. van Asbeck was interested to know was whether there was a revolutionary organisation, and if so, whether it was represented by the Arab Higher Committee or some secret Committee?

M. VAN ASBECK said that what interested him was the central body responsible for the disturbances.

As regards the character of the Arab Higher Committee, he said it was a Committee which applied to the Government of the country--that was to say, the public authority--and put forward requests which were absolutely opposed to the mandate. The Committee said that the paralysis of the economic and social life of the country would continue so long as the Government did not fail in its most fundamental duties. He thought that the acts in question were revolutionary in any case, because of the civil disobedience. The sense of the word "revolutionary" was always a matter open to discussion; but an attempt had undeniably been made to paralyse by illegal means the whole economic and social life of the country, in order to bring about a state of affairs contrary to the fundamental principles of the mandate.

He stressed the fact that, on May 8th, 1936, the National Congress, at which the whole of the Arab Higher Committee was present, had adopted a resolution proclaiming civil disobedience. Thus it was not only bringing about a general paralysis of the social and economic life of the country, which might in a sense be considered as not constituting a direct attack on the Government, but it organised passive resistance and proclaimed a refusal to do fundamental civic acts, such as the payment of taxes. That constituted a direct attack on the Government--not an armed attack, indeed, but something which, in its bearing and effects, scarcely differed from it. The resolution stated expressly that the strike and civil disobedience would continue so long as the Government had not suspended Jewish immigration. In M. van Asbeck's opinion, which had not been changed by the accredited representative's explanations, that was a revolutionary act. He himself had made no statement in that respect; he had merely wished to check the impression that the report and the statements by the accredited representative had left on his mind.

Mr. HALL added that at the Congress over which the Committee presided, not one but

two demands were made; one for civil disobedience and the other for a general strike of all officials. The Arab Higher Committee dissuaded the Congress from adopting a resolution for a strike of Arab officials, but endorsed the demand for civil disobedience. The movement, however, never gained any serious momentum.

M. VAN ASBECK referred to a written reply from the Arab Higher Committee mentioned in paragraph 52, page 24 of the 1936 report.

Mr. HALL said that all the Arab Higher Committee's statements to the High Commissioner referred to their inability to call off the strike. They contained no threat. It must be remembered that, at the time the Congress took place, passions were running high and the Committee consisted of ten persons out of some hundred and forty. The Arab Higher Committee had made no public pronouncement which could be described as revolutionary. It had, however, issued a manifesto which was illegal--the demand for the non-payment of taxes.

The Chairman had asked whether there was at any time in Palestine a revolutionary organisation as such. It was difficult to reply to that question. As Mr. Hall had already explained, the Administration's secret information tended to dry up during the disturbances, and it was difficult to get definite information on many points. All Arab movements seemed to adopt a loose form of development. He felt fairly sure that some at all events of the murders were not the result of any revolutionary organisation. Reports had, however, been received that a murder society had been formed. No reliable information was obtained about its headquarters or membership. It might well be that an extremist organisation had been formed for the purpose of committing political murders. Such organisations came into existence in many countries, he believed, during times of strain and disturbance.

With regard to the bands, again, it was difficult to trace responsibility to any particular organisation or person. Originally, the bands had been formed spontaneously. In towns, the disturbances had taken the form of strikes, but, in the villages, no strike had been possible, for the closing of a small village shop would have meant nothing. Consequently, the villagers had sought other means of showing their sympathy with the Arab demands. In the first place, they had made sporadic attacks on communications, telegraph lines, roads, etc. Then they had formed bands which had committed sabotage on a wider and more thorough scale and had also sniped at Jewish settlements, troops and travellers. The bands had depended for their food and supplies on the villages; in fact, the Administration had been informed--he thought truly informed--that at one time certain villagers had been given the choice by the bands of supplying so much money or one able-bodied man with a rifle. That was partly how the bands had got their supplies and personnel.

Mr. Hall did not intend to suggest that the Arab Higher Committee had known nothing about those bands. He thought it likely that every Arab knew something of what the bands were doing. But the Arab Higher Committee's formal position had been that it was in charge of the central fund formed for the relief of suffering. Undoubtedly, most of the

funds received by the Committee had been disbursed for the relief of suffering consequent upon the strike. At one stage, the Committee had, indeed, offered to publish its full accounts. Though the Administration had no proof, it was quite possible that some of the money collected either by the Arab Higher Committee or by the local committees, or both, was used to buy ammunition for the bands. There was, however, no proof of that.

M. RAPPARD said that the point under discussion was a very important one, and the Commission ought to be sure of the exact position adopted by the mandatory Power. There was in Palestine a movement, whether it was called revolutionary or not, which had led to bloodshed and obliged the Mandatory to call in reinforcements from the United Kingdom. That movement had been characterised by general lawlessness. The question was how far that movement was to be considered as sporadic and spontaneous, or subject to its own discipline. Had it obeyed the general directions of an organisation that could be identified?

The movement had had a beginning and an end well characterised by decisions taken by representative groups. There had been meetings of notables, first a National Committee, and then the Arab Higher Committee. The first meeting, at which the Arab Higher Committee was formed five days after the general strike began, had, as the accredited representative had said, passed a resolution to continue it, and ten days later the Committee had declared that it was not in a position to call the strike off, not because it could not, but because it would not do so. It had stated that it would not call off the strike or send a deputation to London unless Jewish immigration was suspended.

The demands made on every side had been, if not quite identical, at least practically the same; the movement had had leaders and a programme. It had been said by the accredited representative, and stated very clearly by the Royal Commission, that the Arabs had shown strict loyalty to what was called their own Government. Page 138 of the Royal Commission's report contained the following statement:

"And last, and most prejudicial to the cause of peace, there are three political bodies in Palestine which lay claim to the allegiance of Palestinians--the Mandatory Administration, the Arab Higher Committee allied with the Supreme Moslem Council, and the Jewish Agency allied with the *Va'ad Leumi*. They might almost be called three Governments . . ."

There had been sheltering of criminals, which had made the task of the police and the military exceptionally difficult. The criminals had been not only snipers but also bomb-throwers, and therefore individuals who must have engaged in some collective preparation, because bombs could not be picked up like apples. The bombs must have been manufactured, and there must have been some collective organisation--he did not imply the national committees, but some collective organisation--to organise such lawlessness.

Most non-Christian Arabs were extremely devout Moslems, and attended the mosques freely. The mosques were under the supreme control of the Mufti.

All those facts taken together rendered it extraordinarily difficult to believe that the movement had been amorphous, that it had not been directed, organised and led.

M. Rappard saw in the whole situation the very natural results of the policy of conciliation, which, as Mr. Ormsby-Gore had told the Mandates Commission, the High Commissioner now realised had completely failed. The High Commissioner could not, of course, strike a crushing blow at the head of the movement, since he had always hoped to conciliate the Arabs by finding some common ground for agreement. He could not have it both ways. He could not fight to suppress the movement and, at the same time, hope to win over its heads by conciliation. Whether that movement had been organised or not was a question which the Mandates Commission would have to answer. M. Rappard was inclined to answer it in a sense that was in contradiction, not with any specific statement made by the accredited representative, but with the general impression which he had given to the Commission--namely, that, although committees had been thrown up by the movement, no committees had ever been responsible for it or led it. That general impression struck M. Rappard as inconsistent with the specific facts contained in the annual report for 1936 and in the report of the Royal Commission.

Mr. HALL said there was no doubt in his mind that the movement was spontaneous to begin with and had the sympathy of all Arabs, practically, up to the end. That the movement as it developed became more organised was also undeniable. For example, a trained guerilla leader had managed to get into Palestine, and had to some extent organised and even disciplined the bands in the hills. When the shopkeepers were beginning to lose heart, and might conceivably have reopened their shops, there was intimidation, and serious intimidation. When villagers, in the later stages of the strike, wished to send their goods to market, they were on occasions attacked on their way into town. He doubted, however, whether that intimidation had been directed by any single person or any single body. Strike committees existed in each town, nominally for the collection of funds and the general conduct of the strike. Whenever the Administration had evidence that any Committee was identifying itself with the policy of intimidation, its members were interned at Sarafand. There must, however, have been some organisation, however loose; and as the Royal Commission said, 18/ a measure of responsibility must rest with the Mufti, particularly in view of his responsible position.

When Mr. Hall had said previously that the Arab Higher Committee could not have called off the strike, he believed that to be true, but on the other hand there was a responsibility on the Mufti, as the religious head of the country, to adopt a much stronger attitude against disorder than he did, for his position entailed moral obligations as well as advantages. That criticism, he thought, was perfectly justified, but no concrete evidence could be found at any stage of the disturbances against the Arab Higher Committee. It was a loose and amorphous movement. The bands could not have continued to carry on, although there was and always had been a good deal of ammunition in Palestine, unless somebody had paid for it. Much of the ammunition was doubtless drawn from the villages and such sources, but ammunition came in also. The authorities made seizures of it, but could never find out who had paid for those supplies.

The suggestion that, because there were bombs, there must have been some central factory, or some definite organisation, was, he thought, wrong. As a result of the war, a certain number of ammunition dumps had been left in Palestine. One buried dump discovered during the disturbances had been found by the Arabs some time before. It was situated in Southern Palestine near the borders of Sinai, and as soon as it was found, the Administration had it blown up. There were also Mills bombs which had remained buried since the war, but most of the bombs used had been manufactured from the explosives ordinarily used in Palestine for building purposes, road construction and quarrying. Packed into metal tubing, they formed a primitive type of bomb. He agreed, therefore, with M. Rappard that there must have been some kind of organisation, however tenuous and widespread, but, actually, the bombs did not support that theory.

The local committees must share responsibility with the Arab Higher Committee, because the latter's decisions had been taken as a result of a congress of the local committees and there was reason to think that on more than one occasion the Arab Higher Committee had been pushed further than it wanted to go.

M. RAPPARD asked whether the meetings of the congresses in question were authorised.

Mr. HALL replied that to the best of his recollection two congresses had been permitted. Certain others had been prohibited.

M. RAPPARD thought it strange that though many questions had been asked about the Arab Higher Committee, little interest had been shown in the Mufti. The High Commissioner, in meeting the members of the Arab Higher Committee, did not seem to have met the Mufti at the same time; at least, his name was not mentioned among those present.

Mr. HALL replied that the Mufti was always present with the Arab Higher Committee.

M. RAPPARD asked if the Mufti was always the chief spokesman. In meeting such delegations, one very soon realised who had most authority to speak on behalf of all the others. Was the impression obtained that the Mufti's word carried greater weight than his colleagues, and was he more or less extreme?

Mr. HALL replied that the three meetings which took place during the disturbances were quite short and there was little discussion. The Mufti was the principal Arab spokesman. He never voiced extreme views on those occasions.

M. VAN ASBECK drew attention to pages 178 and 179 of the Royal Commission's report and asked the accredited representative if he wished to make any comments on paragraph 94 especially, which did not seem quite consistent with what the Commission had just heard, and paragraph 97, in which the Royal Commission made a rather striking comment on the role played by the Mufti and the Arab Higher Committee.

Mr. HALL had already pointed out in a reply to M. Rappard that he did not wish to differ from the statement that the Mufti, as President of the Supreme Moslem Council, must bear his due share of responsibility.

M. RAPPARD drew attention to a passage at the top of page 179 of the Royal Commission's report which he thought was hardly reconcilable with Mr. Hall's statement. The passage read: "From the date of the tour, the strike had spread and stiffened. It is unquestionable that the Committee was to a large extent responsible for maintaining and protracting the strike."

Mr. HALL replied that, as he had said before, he did not think that the Committee could unaided have brought the strike to an end. He did not wish, however, to appear to differ from the Royal Commission's report, which was written by six men much wiser and more experienced than himself.

Lord HAILEY, to complete the information which he required personally on this matter, asked if Mr. Hall could specify the number of troops which had arrived from Malta and Egypt by mid-June. Did they amount to about 10,000?

Mr. HALL replied that the first reinforcements arrived between May 10th and 30th and there were certainly at least 10,000 troops in Palestine by the end of June.

Mlle. DANNEVIG had noted Mr. Hall's statement that a certain amount of arms and ammunition remained in Palestine after the last war. Replying to a similar question asked the previous year in regard to Trans-Jordan, 19/ Mr. Kirkbride had confirmed that arms and ammunition had been in the country since the war but that that was over twenty years before, and, in his opinion, such arms deteriorated and the stock was low. Would not the same remarks apply to the arms which had remained in Palestine?

Mr. HALL replied that his own reference was to Mills' bombs, whereas Mr. Kirkbride had referred to rifles and ammunition. Undoubtedly, rifles and ammunition deteriorated in twenty years, as was borne out by the inaccurate shooting of the Arabs during the disturbances and the fact that their ammunition frequently misfired.

The CHAIRMAN said that an apparently accessory detail often cleared up a more general situation. He would say nothing more about the bombs and the rifles; but extensive use had been made of explosives; roads had been blown up, and permanent structures on railways had been destroyed. It would be extraordinary if explosives which had been buried immediately after the war had been unearthed eighteen years later and used for that purpose. It was true, as Mr. Hall had just stated, that in Palestine explosives were commonly used--for instance, in public works; but the Chairman thought that such explosives were not obtainable by everybody, and that they were kept in special stores. In those circumstances, it would be interesting to ascertain whether, immediately before or during the disturbances, there had been any thefts from such stores of explosives, to which everybody could not have access and which had to be kept under supervision.

Mr. HALL repeated that explosives were necessarily used in every excavation operation in Palestine. Rock drills were not used in Palestine, and blasting was the only method of making foundations for houses or roads. The explosives were used very generally under licence, and every building contractor could obtain a licence to have explosives on his property. Immediately the disturbances began, the licences were withdrawn and a provision was introduced that explosives should be kept in safe custody approved by the police. Arabs formed the majority of builders' workmen, and as they used explosives daily, nothing was easier for them than to secrete a certain quantity. That, he imagined, was what had been done. He could remember only one big theft of explosives during the disturbances--from a police store.

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SEVENTEENTH MEETING.

Held on Tuesday, August 10th, 1937, at 3.30 p.m.

Palestine: Task of the Commission in the Light of its Terms of Reference
(continuation): **Question of the Advisability of Further Collaboration with Mr. Ormsby-Gore** (continuation).

Mr. Hall came to the table of the Commission.

The CHAIRMAN informed Mr. Hall of the communication which the Commission would like to have sent to Mr. Ormsby-Gore.

Mr. HALL said he proposed to telephone to Mr. Ormsby-Gore and wished to have a fuller explanation of the Commission's attitude in case Mr. Ormsby-Gore desired further information. Would it be right to say that the Commission did not think it could complete its task satisfactorily unless Mr. Ormsby-Gore returned, or would it be better to say that the Commission felt it would definitely be easier for it to complete its task if he returned. Mr. Ormsby-Gore had, of course, been aware that the Commission had been meeting that week to discuss the annual reports.

The CHAIRMAN explained that, at the beginning of the session, Mr. Ormsby-Gore had considered it advisable to be present himself at Geneva. Later, he had left it to Mr. Hall to assist the Commission in the examination of the reports for 1935 and 1936. That work had been finished on the previous evening. The Commission was now about to examine the petitions in the presence of Mr. Hall. After that, it would revert, on August 12th or 13th, to the object of the first exchange of views that the Commission had had with the accredited representatives--that was to say, it would resume the study of the considerations on which it would base its preliminary opinion for which the Council had

asked it. The Commission thought it advisable to notify Mr. Ormsby-Gore that it would certainly have some supplementary questions to ask. It was for the latter to decide whether he should be present or not.

Mr. HALL, after having communicated by telephone with Mr. Ormsby-Gore, announced that, in deference to the Commission's request, Mr. Ormsby-Gore would be present on the morning of August 13th.

Palestine: Petition, dated July 18th, 1937, from M. Weizmann, President of the Jewish Agency for Palestine, London (Document C.P.M. 1920).

The CHAIRMAN said that in transmitting this petition the mandatory Power had stated that the accredited representatives would present oral observations.

Mr. HALL proposed to deal with the petition paragraph by paragraph, but before doing so had one general comment to make. He thought the letter was an *ex parte* statement, which did not appear to take into account the fact that an annual report was necessarily a summary, and a generalised summary. The annual report did not pretend to give an exhaustive account of the processes of disturbance day by day, nor was it an appropriate medium for the distribution of praise or blame.

In paragraph 2 of his letter, Dr. Weizmann said that the record of the disturbances conveyed the impression that Jews and Arabs were to blame in equal measure for what occurred. Mr. Hall did not think that anyone, not as sensitive as the Jews on that subject, would derive that impression from reading the annual report for 1936. For instance, in paragraph 22, sub-paragraph 4, on page 8 of the report the following words appeared: "Meanwhile, elsewhere in the town, isolated cases of the murder of Jews" were taking place. A later statement referred to the fact that a Jew was nearly murdered. Mr. Hall did not think that anyone who had read any of the newspapers would have drawn that deduction from the report.

Dr. Weizmann then went on to say that every small incident and every allegation which could possibly be charged against the Jews was reproduced in meticulous detail. That was a little unfair. There had been certain incidents which might have been charged against the Jews but were not, because, in the opinion of the Administration and of the mandatory Power, one of the principal features of the disturbances was the marked restraint shown generally by the Jews. On page 13 of the annual report, where reference was made to the murder of a Jew, it was also mentioned that other victims were a British policeman, an Austrian Christian, and two Moslem Arabs. It might have been mentioned in the case of the Austrian Christian that at the time he was murdered he was wearing a tarboosh and was in a Jewish area, and that a witness had stated that he was wearing shorts. It had not been thought necessary to mention that.

There had, indeed, been very few such instances, and a striking feature of the disturbances was the absence of Jewish reprisals. There had, however, certainly been no

attempt in the framing of the report to select instances to give the impression that the Jews were as much to blame as the Arabs.

A further complaint in paragraph 3 of the letter was to the effect that, in the presentation of the Arab and Jewish casualties, killed and wounded were placed in juxtaposition without any indication as to who was responsible for the deaths and injuries. Admittedly that had been done for convenience, if perhaps not very imaginatively; but Mr. Hall did not think that any unbiased reader of the account of the disturbances would deduce that the Arabs had been killed by the Jews, when they had been killed by the forces of security.

Mr. Hall did not think that paragraph 4 was worthy of the Jewish Agency. At a previous meeting, he had told the Commission the facts about the seizure of arms.²⁰ The arms had been consigned to a person called Kattan, in Tel-Aviv, and were sent by a Belgian line of which the agent was a Jewish firm in Tel-Aviv. They had been collected by a Jewish transport company, and before being discovered had been dumped at Tel-Aviv. In the light of those circumstances, to criticise the statement in the report that all Arabs thought that the arms had been imported by the Jews seemed to Mr. Hall to be trivial. There was no doubt whatever that all Arabs thought that the arms were imported by Jews, and the Government had stated that fact in the report, without giving its own opinion.

In paragraph 5, the Jewish Agency criticised the statement in the annual report to the effect that tension between the Arab and Jewish communities had been fostered in both Presses (paragraph 19, page 7), and said that the Jewish Press had had no part in fostering that tension. Mr. Hall thought that the tactics of provocation had been different. The Arabs had concentrated largely on abuse of the Government or of the British as being colonisers. The Jews, before the debate in Parliament, had concentrated on what they called the betrayal of the Jews by the Government through the proposals for a Legislative Council which would place the Jews within the power of the inferior Arabs. After the debate in the House of Commons, the Jewish Press had been jubilant, and it had been the jubilation of the Jewish Press that had, in part, served to exacerbate Arab feeling. Mr. Hall thought that within the confines of one short sentence the matter had not been put unfairly.

Paragraph 6 dealt with the statement in the annual report that two Arabs had been deliberately shot at Kfar Saba and that before one died he had stated that his assailants had been Jews. The report stated (page 7, paragraph 20):

"It was the general impression among Arabs throughout the country that the crime was a reprisal for the murder of Jews on the previous night."

The Jewish Agency took issue with the Government on that point, and said that it doubted whether the man had described his assailants as Jews; but, as Mr. Hall had told the Commission a few days previously,²¹ the wounded man, before he died, had first said that his assailants had been Jews or Christians, and later said that they had been Jews, and had described them as wearing khaki shorts and jackets. Mr. Hall was surprised to read the statement in the letter that the wearing of shorts was not uncommon among

Arab workmen.

The letter went on to say that one of the men was a notorious thief and police informer. He had once been convicted of theft, and he had informed the police about some contraband. He might have been murdered by Arabs; the Government did not know. But according to the report, he said he thought he had been murdered by Jews, and it was certain that the Arabs as a whole thought he had been murdered by Jews. In the report, the Government did not commit itself one way or the other. It had never succeeded in catching the murderers.

That the Jews themselves did not rule out the possibility that it was a reprisal was evident from an article which had appeared in the Jewish newspaper *Davar*, which had said:

"However, one cannot deny in advance the possibility that some Jew was excited to such an extent as to regard this murder as the revenge of innocent Jews in Palestine. If this presumption is true and if it is ascertained that a Jew did commit the serious crime near the Auja River, then let no Jew regard it as an heroic act, but as a sin."

The sentiment was perfectly proper, but it showed that the Jews did not rule out that possibility.

In paragraph 7, the Jewish Agency contested the accuracy of the report regarding what had happened on the occasion of the funeral of the Jews who had been killed by highwaymen. Mr. Hall had given the Commission full details of that, and had already offered to hand to the Commission the report by Jewish police officers on the occurrence, provided the names of the witnesses were not disclosed. If the Commission wished, he could go into the matter in detail. He assured the Commission that the account given in the annual report (page 7, paragraph 20) was accurate in every respect, and that the statement made in the Jewish Agency's letter was so selective as to be misleading. It was said that there had been no violent speeches, but the Jewish Agency quoted merely the quiet speeches. It was true that the Acting Mayor of Tel-Aviv and two other Jews, including Mr. Pinkus, had made calming speeches; but other speeches had been made, and one man had afterwards been sentenced to twelve months' imprisonment for making an inflammatory speech. The general tenor of the speeches that had been made *en route* and at the stopping-places had been definitely inflammatory. Seven persons had been sentenced to imprisonment for being members of an unlawful assembly and for assaulting policemen, and one policeman had been invalided out of the Force.

Paragraph 8 (unnumbered) complained that the statement that there was an anti-Arab labour campaign in Tel-Aviv was untrue (page 7, paragraph 20, sub-paragraph 4, and paragraph 21, sub-paragraph 1, of the annual report) and that, in fact, all that happened in one case was that an Arab was slapped in the face and a few Arab lads threw vegetables into the street. That did not coincide with the very full report from the police officer of the Criminal Investigation Department, who had made a thorough enquiry--he was prepared to lay the report before the Commission if it so desired--nor was it in conformity with the extracts from the diary of the police officer at Jaffa and the duty officer's diary at

the Manshieh police station. Thus, even on April 17th--two days before the disturbances--there were five entries.

There undoubtedly had been an anti-Arab campaign in Tel-Aviv on April 18th and the morning of the 19th. As he had said before, the excitement and anger of the Jews following upon the cold-blooded murder of Jews by the highwaymen was understandable.

In paragraph 9 of the letter, the complaint was made that there was no mention of the fact that the rumours of Arabs being killed by Jews, which had led to the actual outbreak and the series of murders of Jews by Arabs, had been spread by a number of Arabs with deliberate purpose. That had not been mentioned because there was no evidence that the rumours had been spread for a deliberate purpose, except that each rumour seemed calculated, on account both of the circumstantial detail and of the facts it purported to record, to stir up Arab feeling. Moreover, the fact that rumours started at almost the same time in three parts of the town did seem to point to a certain inter-connection. But the Administration had no evidence and surmise could not be included in an annual report: it must deal with facts.

In paragraph 10, there were again complaints regarding the actual statement of events in the annual report on April 19th and 20th. The annual report gave an account of actual events in chronological sequence (paragraphs 22 *et seq.*) Nothing recorded in that account was based, as the Jews said, on utterly unsubstantiated reports. Each statement was supported by the written testimony of eye-witnesses, in most cases British. Here, again, he had the detailed report by the senior officer of the Criminal Investigation Department giving the evidence in each case to support each recorded incident. This had been compressed into a few paragraphs in the annual report. Incidentally, in dealing with casualties, the Jewish Agency appeared to have confused the events of two or three days, because Section 22 of the annual report dealt with what had happened on April 19th, and Section 23 referred to the next day, April 20th. Section 24, which was complained of, consisted of a list of casualties covering the four days and including April 22nd. The criticism ended by saying: "In the submission of the Jewish Agency, this paragraph of the report must be described as a complete misrepresentation of the course of events on that fatal day". Actually, the reference was to two or three days.

Paragraph 12 dealt with the outbreak on April 20th at Saknat Abu Kebir (page ??? paragraph 23, of the report). As Mr. Hall had said, no one knew precisely what did happen there. The Arabs said that the Jews had set some of their huts on fire; the Jews said that the Arabs were about to attack them in the Kattan quarter. When the police arrived, there were two big crowds confronting each other and the police had had to fire on both sides. To judge from the normal tenor of the disturbances, it could probably be assumed that the Arabs were the attacking party; but that again was a pure assumption, and pure assumptions could not be ??? into an annual report.

Paragraphs 11 and 13 of the letter dealt with criticisms of the manner in which the Administration had dealt with the disturbances. The Commission had already dealt with

that matter at great length.

In paragraph 14 there was a complaint that it was not specifically said that the Arabs were responsible for the acts of lawlessness and disorder and not the Jews. Mr. Hall regarded that as a trivial criticism. Any reader could see who was responsible for the disorders in Palestine during the currency of the disturbances, and he did not think that any impartial reader could think they were Jews and not Arabs.

In paragraph 15, the letter suggested that the true reason why the attempt to cause a strike in the port and railways at Haifa had failed was the presence of Jewish as well as Arab workers. Certainly, the principal reason why the attempt had failed was because large naval forces had been landed and military forces assembled, and the streets were heavily patrolled. Whether the presence of Jewish workers in the port, and in a lesser degree on the railways, had any effect was a matter of supposition. Quite possibly it did have some effect, but that was not a matter on which it was possible to be certain, and therefore there was no mention of it in the report.

As regards paragraph 16 of the letter, the question had already been dealt with. Paragraph 17 contained a similar criticism (which had been made before)--namely, that it was not specifically stated to be Jewish property that was burnt, and that it was Arabs who burned it (page 13, paragraph 30, sub-paragraph 1, of the report). Earlier in the report, however, reference was made to many attacks on private Jewish property and the burning of Jewish shops and trees. It was not difficult for an ordinary reader of the report to infer that the destroyed property continued to be destroyed by Arabs and was, principally, Jewish property.

According to paragraph 18 of the letter, the report had over-stated the position in saying that strike conditions were general in Haifa except in regard to the port and the railways (page 14, paragraph 30, sub-paragraph 3, of the report). Actually, though a certain number of industries in which Arabs were employed continued working during most of the strike, the great majority of the Arab shops and services in Haifa closed down.

Paragraph 19 complained that the Palestine Administration was fatally slow in arming Jews in self-defence. Mr. Hall had already dealt fully with that point in evidence. The statement that no Jewish supernumeraries were enrolled before June 24th was not strictly correct, since the first 573 were enrolled on June 3rd.

Paragraph 21 of the letter contained a complaint that the effect of putting side by side statistics of the suspension of newspapers was to give the impression that the Jewish newspapers were suspended for actions as improper as those committed by the Arab newspapers. As a matter of fact, the statistics were placed side by side purely for convenience (page 18, paragraph 43); the suspensions in each case were ordered by the High Commissioner on the merits of the case. Certainly part of the Jewish Press adopted a most provocative tone at times, although the Arab Press was the principal offender.

Paragraph 22 contained a complaint that in paragraph 45 of the annual report there was a

mis-statement, it being said in regard to the proposed Legislative Council that the Arab attitude, though critical, favoured giving the proposal full consideration. But that was perfectly true. The Arab attitude was critical; but as the volume of Jewish criticism increased, so the Arabs began to think there was something rather good in the proposals. As stated in the Royal Commission's report, the party leaders did not reject them outright, as was to be inferred from paragraph 22 of the Jewish Agency's letter.

Paragraph 23 criticised the description of the meeting between the High Commissioner and the Arab Higher Committee, in relation to the action of the latter in calling upon the Arabs not to pay taxes (page 24, paragraph 54, of the report). What had actually happened was that on May 2nd the manifesto of the Car Owners' and Drivers' Committee was issued, leading to the prosecution of two of its members. On May 5th, the High Commissioner saw the Arab leaders and addressed them verbally--not, as was erroneously stated in the report, in a memorandum; and on May 5th the Arab Higher Committee replied to the High Commissioner's communication, as stated in paragraph 54 of the report. On May 8th, the Conference of the National Committees passed resolutions in favour of the non-payment of taxes and the continuation of the strike. On May 15th, the Arab Higher Committee published a manifesto supporting the non-payment of taxes. Mr. Hall did not think there was anything wrong with the report, except that--and he must apologise for the omission--he could not find in it any reference to the manifesto issued by the Arab Higher Committee, calling upon the Arabs not to pay taxes and also, incidentally, to use peaceful methods.

Mr. Hall had only one statement to make on the last paragraph of the letter, number 25. in which it was said: "Equally regrettable is the omission of any reference to the discipline and self-restraint maintained by the Jews . . ." There again he would repeat that an annual report, which must deal with facts, was not a suitable medium for the distribution of praise or blame, and that on several occasions the High Commissioner had publicly commended the Jews for their restraint during the disturbances, notably at the opening of the Levant Fair held at Tel-Aviv.

M. RAPPARD said that he did not wish to go into details, but would like to make one or two general observations. He fully understood, if not the details of the criticisms, their general tenor. On reading the annual report for the first time, he had been struck by the fact that it did not appear to be the story of the repression of a revolt of one side, but a description of events drafted with the apparent intention of weighing up one unpleasantness against another. The statements made throughout the discussion by the accredited representative struck M. Rappard as having quite a different inspiration and as being obviously fair and convincing.

As he saw it, the position was, first, that the Arabs said that they were the aggrieved party, that they had been exceptionally patient and that it would have been difficult to find another nation that would for fifteen years have stood with such restraint the continuous assault on their nationality which the mandate and the Administration represented. On that basis, the final outburst was much more to be condoned than the Administration which had provoked the Arabs' ire. Of course, the Administration could

not take that point of view, but was bound internationally to carry out a certain policy which had really been the reason for the insurrection. That being the case, the story was one of an uprising against the policy which the mandatory Power was bound to carry out.

Consequently, M. Rappard understood the feeling of the Jews when they said that they were the victims of the insurrection and that they had not always been protected as they ought to have been, and that they had behaved with great restraint in face of great provocation.

The reader of the report did not get that impression, and M. Rappard quite understood why that was so. There were two reasons. The first was the feeling, which obviously rankled with the Jews, that there had been in the drafting of the report influences that were hostile to them; but M. Rappard would leave that on one side. On the other hand, he would not be surprised if, in the drafting of the report, as with everything that happened in Palestine, the Administration had been dominated by the feeling of its equal obligations to both sides, and if that had led to the adoption of a form of neutrality which impartiality did not necessarily demand. There was a certain confusion between impartiality, which was always a virtue, and neutrality between two hostile parties, which might for obvious reasons become a practice, but which impartiality itself would in that case forbid. M. Rappard would be glad to have Mr. Hall's explanations, not on the details, but on the general situation in that respect.

Mr. HALL said that M. Rappard's remarks did not quite correspond with what had happened. He need not comment on what M. Rappard had said about Arab patience, but that was certainly the Arabs' view. If there had not been disturbances that year in that form, there would probably have been some disturbances--not necessarily in that form--the following year, or later. He was afraid that disturbances were inevitable, in view of the inter-racial tension.

The compilation of the report was the result of a process of condensation. There had been file upon file of police reports dealing with the disturbances. First of all, they had had to be checked. A British officer of the Criminal Investigation Department had dealt with that, and even his report had to be greatly compressed. The first process of compression had been entrusted to an officer of the Secretariat. His summary had proved to be too long to go into the annual report, and another senior Secretariat officer had condensed it still further.

At that time Mr. Hall had been concerned with getting the facts correct (as far as they could be ascertained by reliable witnesses), because they had been challenged by the Jews from the very beginning; and, further, he had tried to get the report within a reasonable compass.

He had not had any conscious or even unconscious subordination to the dictates of what had been called "the policy of arithmetic"; but when the report was drafted, he had had in mind the fact that the Royal Commission's report had not been published, and that any attribution of blame or praise, or any deductions, would have been out of place before the

Royal Commission's report was issued. For that reason the annual report was colourless, perhaps too colourless. Mr. Hall said that he stood by the facts, as he believed that they had been verified as much as any facts could be verified; but he agreed that, in the light of the criticism of the Jewish Agency, the report might have stated in certain places that "Jewish" trees had been destroyed or that "Arab" bands had attacked. It might also have been stated in a prominent part of the report that the Jews had shown commendable self-restraint throughout the disturbances; but that had been said, in the British Parliament and by the High Commissioner, on several occasions, almost *ad nauseam*.

M. RAPPARD was quite satisfied with Mr. Hall's explanation; but he also understood, if the annual report were a colourless document and did not attribute blame or praise in its story of the uprising, the complaints made by the party which considered itself to be the victim.

M. GIRAUD said that in his petition Dr. Weizmann had criticised the report for 1936 because it appeared to apportion the blame for the disturbances between the Jews and the Arabs. The report enumerated objectively a series of facts imputable either to the Jews or to the Arabs, so that it might be thought that the blame was divided between them. But when the facts were examined more closely, it was quite clear that the actual aggressors were the Arabs--there could be no doubt on that point. Moreover, at the seventh meeting of the present session, Mr. Hall,^{22/} in reply to a question put to him, had himself admitted that the Arabs were the aggressors, as he would doubtless remember.

Mr. HALL said that was certainly so, except during those incidents which occurred at Tel-Aviv during the days of April 17th and 18th and the morning of the 19th. Afterwards, the Arabs were undoubtedly the aggressors.

The CHAIRMAN, in connection with paragraph 5 of the letter, pointed out that during the period in question the Arab Press had conducted a violent campaign, which had led to reprisals in the Jewish Press. Were any newspapers prosecuted or suspended as a result?

Mr. HALL said that between January 1st and April 18th one Arabic paper had been suspended for a fortnight, while official warnings were given to one Jewish and one Arab newspaper.

Palestine: Examination of Petitions referred to a Sub-Committee.

The CHAIRMAN informed Mr. Hall that, contrary to its normal procedure, the Commission had appointed three of its members to draw up a report on a number of petitions relating to Palestine. M. van Asbeck would speak in the name of that Sub-Committee, and not in his personal capacity.

M. VAN ASBECK stated that the Sub-Committee felt that, generally speaking, the mandatory Power's observations on the petitions had made the matter sufficiently clear to

enable the Commission to reply to the petitioners, in so far as that might be necessary. Only a few of the petitions called for additional explanations on questions of fact.

PETITION, DATED JULY 15TH, 1936, FROM THE ARAB HIGHER COMMITTEE,
JERUSALEM.

M. VAN ASBECK stated that this petition followed upon a number of others and contained only one new factor--a reference to the use of noxious gas. What was to be thought of that allegation?

Mr. HALL said that on one occasion lachrymatory vapour or gas was used when two armed rebels took refuge in a cave at the bottom of a well. This lachrymatory gas had no permanent ill-effects whatever, its only effect being to cause tears to flow. No other gas of any kind had been used in Palestine, and that gas had only been used on that one occasion when a British sergeant had already been killed in attempting to capture the men. Before the High Commissioner had approved the use of the gas on any occasion, he had himself, without any protection whatever, entered a gas-chamber filled with it, in order to assure himself that it could have no permanent ill effects.

PETITION, DATED APRIL 29TH, 1936, FROM DR. WEINSHALL AND OTHER
MEMBERS OF THE
NEW ZIONIST ORGANISATION IN PALESTINE.

M. VAN ASBECK said he did not propose to deal with the facts put forward in this petition, since they had already been discussed in the course of the examination of the annual report for 1936. He would merely draw attention to the petition, which was of some importance.

PETITION, DATED AUGUST 11TH, 1936, FROM AHMED HILMI PASHA,
CHAIRMAN OF THE BOARD
OF DIRECTORS OF THE ARAB BANK OF PALESTINE.

M. VAN ASBECK explained that this petition was a protest against the arrest and detention of the Bank's General Director. The mandatory Power had expressed the view that this step was entirely justified. Neither the petition nor the observations of the mandatory Power gave any indication of the motive for the arrest. Was the accredited representative in a position to give any further information on the point?

Mr. HALL stated that the person in question was believed to be concerned in acts of intimidation and terrorism.

PETITION, DATED MAY 3RD, 1937, FROM CHIEF RABBI ABRAHAM SCHORR,
VA'AD ADATH ASHKENAZIM, JERUSALEM.

M. PALACIOS said that this petition, which, as its author recalled, was not the first on the subject, implied that the different Jewish communities continued to be treated on an unequal footing. The Chief of the Va'ad Adath Ashkenazim community of Jerusalem

asked that the "Beth Din Hassidim" court should be given the same rights as the "Va'ad Leumi" courts, and that the community of the Va'ad Adath Ashkenazim should be duly recognised with all the privileges and rights given to such community. He also asked that a definite number of immigration certificates should be allotted annually to that community for distribution among Hassidim who desired to come to Palestine for religious reasons.

Could the accredited representative supplement the explanations given by the mandatory Power in its observations and, in particular, say whether it was quite impossible to make a gesture in this connection by meeting some of the demands so insistently placed before the League of Nations.

Mr. HALL thought it had been explained, on the occasion of the presentation of a previous petition by this community, that it was not a very important community and represented only a small number of Jews in Palestine. If the Jewish Community Ordinance, or similar provisions, were to be applied to all dissenting Jews in Palestine, there would be complete confusion. The principal ground of complaint referred to in the petition related to divorces. But the members of this community need not have their divorce certificates approved by the rabbinical courts; it was open to them to submit them to the civil courts if they wished. Apart from that, Mr. Hall had no comments or suggestions to make; His Majesty's Government had dealt fully with the question on the occasion of the last petition by the community.^{23/}

As was known, the policy of the Administration was to give immigration certificates to the Jewish Agency for distribution. The New Zionist organisation and Agudath Israel had each on occasion asked the Government to make representations to the Jewish Agency. This had resulted in a compromise whereby the Agency, as each schedule was prepared, allotted a certain number of certificates to Agudath Israel. But the Ashkenazim community was so small that he did not think it would, in any case, be entitled to more than a negligible number of certificates; and it would constitute a fundamental alteration of immigration policy if certificates were to be allotted direct to each small dissenting body of Jewry.

M. PALACIOS asked whether relations had been established between the Jewish Agency or the Zionist Community on the one hand and the other non-Zionist communities--including the little Ashkenazim community--on the other. He thought that, before the disturbances, there had been a certain tendency towards general reconciliation. Unfortunately, the good relations which had been established seemed to have ceased. Had the policy of reconciliation been resumed since the end of the disturbances?

Mr. HALL thought that M. Palacios probably had in mind the attempted *rapprochement* between Agudath Israel, which represented quite a substantial proportion of the Jews, and the Va'ad Leumi. That *rapprochement* had not produced complete agreement. Shortly before the disturbances, it had been hoped to arrange a full reconciliation, but there had been no further progress except that now, in all important political matters, Agudath Israel acted with the Jewish Agency.

PETITION, DATED JULY 23RD, 1937, FROM M. MOH. AMIN HUSSEINI,
PRESIDENT
OF THE ARAB HIGHER COMMITTEE, JERUSALEM.
PETITION, DATED JULY 21ST, 1937, FROM M. RAGHEB NASHASHIBI,
PRESIDENT OF THE
NATIONAL DEFENCE PARTY, JERUSALEM.

M. RAPPARD stated that the two petitions with which he had to deal were somewhat different in tone, but each showed fundamental opposition both to the idea of partition and to the Balfour Declaration. Such petitions, had they been received otherwise than at the present extraordinary session, would obviously have been deemed unreceivable. He would quote a few lines from the petition presented by the Mufti to show how complete and fundamental was the opposition:

"The Arabs have never ceased, since its promulgation in 1917, vigorously to repudiate the Balfour Declaration, proclaiming through every congress, party programme and delegation their steadfast rejection thereof. They have always emphasised its invalidity, its inner contradictions, the injustice of its conception and its inherent partiality. The words of its formula spelt the betrayal of the Arabs of Palestine. Therefore, they have continually demanded that it should be rescinded, and they have never ceased to warn the authorities of the trouble it would bring to Palestine."

Inasmuch as the policy now considered by the mandatory Power was, as far as M. Rappard understood, only another implementation of the Balfour Declaration, it was not surprising that it should meet with the same unfriendly reception as had the mandate. He wished to ask the accredited representative whether His Majesty's Government, in adopting the proposal of the Royal Commission in general terms, had realised that the objections to that proposal would be precisely the same as the objections to the mandate, which, on account of those objections, had been declared unworkable.

Mr. HALL preferred to say that the objection of the Arabs to the Balfour Declaration was made up of several elements: their objection to the immigration of Jews, their fear of subordination to Jews, and the alleged fear for their holy places. Under the proposals of the Royal Commission, there would be no fear of Jewish immigration into the region which would remain Arab; there would be no fear of Arab subordination to Jews in that area, and, by the proposal to give a perpetual mandate to the United Kingdom for the holy places, there would remain no legitimate fear for those places.

To that extent, therefore, it might be said that the objections of the Arabs were not quite the same, since the circumstances would be quite different. His Majesty's Government had certainly anticipated that there would be objections to the scheme by Arabs, as there would also be by Jews; but it also hoped there would ultimately be substantial support for the new scheme on the part of both Arabs and Jews. He wished to add that the matter had not yet had the comments of His Majesty's Government, and his opinion must, therefore, be purely provisional.

M. RAPPARD said he quite realised that it was difficult, if not impossible, for Mr. Hall to say anything else; but both the petitions showed that the opposition to the Balfour Declaration was not merely based on its consequences--possible or alleged or obvious--but on its principle--the natural right to enjoy the freedom of self-rule, the objection to a minority of intruders to whom Palestine had been indicated as providing them with a national home. It was a very understandable objection, but it was so fundamental that it would, of course, be raised against any scheme which did not repudiate the Balfour Declaration; and as the Mandates Commission was expressly informed that the new scheme was intended to respect that Declaration, the same objection would arise.

Mr. HALL said he thought the term was "in accordance with the spirit".

M. RAPPARD agreed. Everything that tended to the establishment of a national home for the Jews was very naturally repudiated by the Arabs. He could not carry the point any further, but the objection was one which struck him as fundamental. If the main reason for the impracticability or unworkableness of the mandate as it stood was at bottom of the Arab repugnance to accept the Balfour Declaration, it must be realised that the same repugnance would be met if it were decided to proceed as proposed. He did not say that that should dissuade the mandatory Power from adopting that policy; but it should certainly lead it to adopt an attitude of firmness which it had not always adopted in the past administration of the territory.

Mr. HALL said he did not admit that it had not.

M. RAPPARD said that at one of the previous meetings,²⁴/ M. Orts had alluded to lost illusions. A good way of not losing illusions was not to harbour any; and he thought that this was the time for dissipating possible future illusions. The two documents, emanating from the two most representative Arab bodies in Palestine, could not be disregarded as sources of information--he did not say as indications of future policy.

PETITION, DATED JULY 27TH, 1937, FROM M. JUSTIN GODART, CHAIRMAN
OF THE <<COMITÉ POUR
LA DÉFENSE DES DROITS DES ISRAÉLITES EN EUROPE CENTRALE ET
ORIENTALE>>, PARIS.

M. DE HALLER said that this petition had been received since the opening of the session and that it had been sent to the mandatory Power on August 7th, a copy being communicated to Mr. Hall for information at the same time.

Mr. HALL said he would await the final reply of His Majesty's Government, but he was quite prepared to give provisional comments on it, particularly upon the proposed draft agreement, which seemed to him impracticable in the present atmosphere.

Lord HAILEY asked whether it was not a proposal for parity.

Mr. HALL said it was a proposal for eventual political parity and for the immigration of 45,000 Jews, not including capitalists, and also Jewish immigration into Trans-Jordan and

elsewhere, and it was proposed that the Legislative Council should not be set up till 1949. He himself could not see it being accepted, in spite of all the references to freedom which seemed to run through it. There seemed to be very little meat in it for the Arabs.

Mlle. DANNEVIG thought it might be a first step, and that something might come of it. It would be all the more fortunate if something came of such a petition, because the Arabs and the Jews would communicate directly and would take more responsibility on themselves instead of leaving everything to the mandatory Power and to the League of Nations. If there were any possibility of such an agreement being reached between the Arabs and Jews, she thought that that was something very much to be desired.

Lord HAILEY said that, if he remembered rightly, the proposed agreement extended to Trans-Jordan and to Syria and Lebanon as regards the admission of Jews to their territory. It would be a rather large round-table conference.

Mlle. DANNEVIG said that that might be the next step, but the first step would evidently be to make the Jews of Palestine and the Arabs meet, and then afterwards she could quite understand that there must be other consequences.

Mr. HALL said he was afraid that the agreement in its present form would be wholly unacceptable to the Arabs, and that, in their present state of mind, the Arabs would not meet the Jews in a round-table conference in a spirit from which anything concrete would emerge. He did not think that the proposal represented Jewish opinion either. The Commission would remember the Jewish reception all over the world of Lord Samuel's proposal for a restriction of Jewish immigration over a period of years.

The CHAIRMAN noted that the accredited representative preferred that the mandatory Power's observations should have been received before this petition was examined.

PETITION, DATED JULY 1936, SUBMITTED ON BEHALF OF THE NESSIUT
(PRESIDENCY) NEW
ZIONIST ORGANISATION, LONDON, COMMUNICATED BY DR. H. LEVI,
MEMBER OF THE "NESSIUT",
BY A LETTER DATED AUGUST 14TH, 1936.

M. VAN ASBECK referred to the passage of the observations of the United Kingdom Government concerning this petition, which dealt with the meaning of the mandate, reading as follows:

"His Majesty's Government in the United Kingdom would prefer not to offer any observations on that part of the petition which has been ruled to be admissible until they have considered the report of the Royal Commission on Palestine."

He asked whether the Mandates Commission was justified in expecting some further observations on that petition from the United Kingdom Government or whether the accredited representative was able to make further comments concerning it.

Mr. HALL said that the Royal Commission in its report had gone very fully into the meaning of the mandate, and that he had no comment to make.

LETTER, DATED MAY 4TH, 1937, FROM THE PRESIDENT OF THE JEWISH
AGENCY FOR PALESTINE,
ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH
NATIONAL HOME
IN PALESTINE IN THE YEAR 1936.

Count DE PENHA GARCIA noted in paragraph 5 of the mandatory Power's observations a reference to compensation to be paid to the victims of the disturbances. The mandatory Power had therefore acknowledged its responsibility and was proposing to have each case examined by a special committee. Did this mean an administrative or a judicial committee? What was the legal basis for the decision?

Mr. HALL said that he did not accept the statement that His Majesty's Government had admitted responsibility for the disturbances, but it had agreed to compensate the victims. The answer to Count de Penha Garcia's specific question was that the Committee was composed of one British magistrate and one British administrative officer.

In the absence of legislative machinery in Palestine, the decision of the Government constituted the legal basis.

Count DE PENHA GARCIA inferred that there was no legal basis.

Further on in its observations, the mandatory Power stated that there was also a question of paying compensation for the damage done to property and that the matter was under consideration. What was the principle underlying that decision? Was it an act of grace or an admission of responsibility?

Mr. HALL replied that in both cases compensation was an act of grace. It had seemed to the Administration and to His Majesty's Government that loss of life or injury--in many cases to the breadwinner--should be considered first, and that if compensation were to be paid, it should be paid to the dependants of those who had lost their lives or had been injured. That had seemed to be an urgent necessity, and it had been pressed by the Jewish Agency. The question of damage to property was largely a financial one. The Administration wanted to know roughly what it would cost and whether it could afford to pay compensation, or whether the sum that it could afford to pay would be ridiculously small. When he had left Palestine, the basis under consideration had been that adopted after the 1929 disturbances. No final decision had then been reached, because the financial position of the Palestine Government had been so obscure, and since he had left it had become worse.

Count DE PENHA GARCIA hoped that the next report would describe the measures taken.

Had the arms given to the Jews used for military purposes, the whole cost of which was

borne by the Government, been returned to the Government or were they still held by the Jews?

Mr. HALL replied that part of the arms issued to the Jewish supernumeraries were kept in newly constructed armouries in the settlements and the balance in Government police stations, ready for issue at short notice.

Count DE PENHA GARCIA asked why, when goods were landed at the port of Tel-Aviv, passengers were not landed there as well. Was there some major obstacle to this?

Mr. HALL replied that the bar at the entrance to the lighter harbour at Tel-Aviv, when the sea was at all high, was at present dangerous. There were as yet no dredgers, and it was still questionable whether dredging would keep the bar sufficiently low to allow the safe passage of passenger-ships. Cargoes were taken ashore on lighters.

Count DE PENHA GARCIA hoped that it would be possible to remedy that situation.

He would like to know how many Jews and how many Arabs there were on the Jaffa Mixed Municipal Council.

Mr. HALL said that there were nine Arabs (seven Moslem and two Christian) and two Jews.

Count DE PENHA GARCIA understood that the mandatory Power in its observations admitted that the Jewish request that a larger number of Jewish officials should be employed in certain administrations, such as the railways, Customs, etc., was justified, but had nevertheless refused it for temporary reasons.

Mr. HALL thought that the Railways Department was really the only department of the Government where few Jews were employed, and even there, in the workshops, the Jews represented a reasonable proportion. It was mainly on certain forms of work on the railways that the Jews were not represented, and that mainly because they would not accept the wages. A considerable number had resigned in 1934. There would always be difficulty in utilising a large proportion of Jews on the railways, and short of dismissing satisfactory Arabs, Mr. Hall could at the moment think of no means of employing more Jews on the railways except by a gradual process of filling vacancies as they occurred.

Count DE PENHA GARCIA observed that those were not objections of principle.

With reference to unemployment, the Jewish Agency and the mandatory Power held opposite views. The latter explained its policy by saying that it adhered to the statements in its letter to Dr. Weizmann--that was to say, that Jewish immigration was based on economic capacity. Was that the right basis?

Mr. HALL said that that had been the sole policy when the schedule referred to in the letter was granted; but, in the recent statement by His Majesty's Government, a limit had

been imposed. Subject to that limit, the economic absorptive capacity remained valid.

/...

NINETEENTH MEETING.

Held on Wednesday, August 11th, 1937, at 5 p.m.

Palestine: Examination of the Questions to be put to Mr. Ormsby-Gore.

The members of the Commission stated in turn the questions which they proposed to put to the accredited representative.

On the proposal of the Chairman, *the Commission decided to communicate the text of the questions beforehand in writing to Mr. Ormsby-Gore, so that, should they need preliminary study on his part, he might be able to prepare his replies.*

TWENTIETH MEETING.

Held on Thursday, August 12th, 1937, at 10.30 a.m.

Palestine: Question of the Possibility of continuing to Apply the Mandate: Exchange of Views between the Members of the Commission.

The CHAIRMAN requested his colleagues to express their opinion in turn on the conclusion set out in the third paragraph of the United Kingdom Government's Statement of Policy (Cmd. 5513)--namely, that the aspirations of the Arabs and the Jews in Palestine could not be satisfied under the terms of the present mandate and that, such being the case, some other solution was required for the Palestine problem.

M. PALACIOS understood that, now that the time had come for plain speaking, the Chairman wished to have the opinions of the members of the Commission; so far as M. Palacios was concerned, he would, as usual, speak absolutely frankly.

If he had rightly understood the position, the Commission had met to consider a decision of the mandatory Power and to give an opinion on that decision. So far as he saw it at present, it seemed to consist of two distinct parts: (a) the termination of the present mandate for Palestine and (b) liberty to negotiate a partition which, according to the

Statement of Policy, offered undoubted advantages. At the moment, only the first point was, he thought, under discussion--namely, the fundamental impossibility of applying the mandate. He would designedly deal only with the essential features of the question, so as to avoid in his reply any confusion or ambiguity.

As regards that first part of the problem, he was of opinion that no one was better qualified in the matter than the mandatory Power, whose authority was, in fact, indisputable. If the mandatory Power, which had created the mandate and had been administering it for the past twenty years, came before the League of Nations and said that the principles of the mandate were incompatible with one another, if it declared that not only had it been impossible to reconcile Arabs and Jews but that grave and sanguinary conflicts between them were constantly increasing, while the opposition of both parties to the United Kingdom Government had become more acute, if it proposed the termination of the existing mandate, M. Palacios did not see who could speak with sufficient authority on that point to contradict the mandatory Power. In theory, full discussion was, of course, possible: one might discuss whether the mandatory Power should or should not have followed the line of policy which it had followed; one might seek to persuade the mandatory to introduce such correctives as seemed necessary; one might even consider whether it might not be expedient to change the mandatory; countless other questions might be brought forward. But discussion of those various contingencies would mean an idle and even dangerous departure from the real alternatives.

As a matter of fact the question under discussion was not whether, in view of the present state of affairs in Palestine, the existing mandate was capable of execution and whether it was advantageous or disadvantageous to maintain it; the point to be considered was whether the decision of the mandatory Power was fixed and unalterable. If that were really the case--and so far there had been no doubt on the subject--if the British Parliament and the Government were agreed as to the impossibility of enforcing the mandate, by reason of the essential incompatibility of its terms, the Mandates Commission could only acquiesce in the statements made to it on that first point.

M. Palacios did not find the statements of the mandatory Power in any way surprising. For the past fifteen years, he had been pointing out difficulties which to-day had proved insurmountable. Other members of the Commission, the Marquis Theodoli in particular, had frequently voiced the same misgivings. The possibility of self-governing institutions and the Jewish National Home existing peacefully side by side on a footing of equality was invariably found to be impossible and incapable of practical realisation. Sir Herbert Samuel, to whom those considerations had been submitted in 1924, had told M. Palacios on that occasion that no grounds for fear existed and that the atmosphere was not explosive--just a few days before the incidents had occurred on the occasion of Mr. Balfour's visit. In the following year,²⁵ Mr. Ormsby-Gore had stated, in reply to similar questions, that "within ten years self-governing institutions would have grown up in Palestine in which both Jews and Arabs could co-operate". M. Palacios was not so ingenuous as to think that either of those speakers was under any illusion: they had realised the difficulties even better than he had. They had simply been enunciating an

admirable ideal; but despite their good intentions and efforts, they had not been successful. In 1930, at an extraordinary session, the Mandates Commission, in view of the constantly growing difficulties, had ventured upon an interpretation of the terms of the mandate in a report to the Council which had been very much criticised even by the mandatory Power itself. If the detailed debates on the report had been rendered in the Minutes, his own remarks would have shown the opinion he had always held.

The mandatory Power was appearing that day before the world and before the Mandates Commission and was still of exactly the same opinion.

Whatever happened as a result of the deliberations at Jerusalem, London and Geneva, one thing seemed certain already: once the Royal Commission's report was approved, the present mandate was at an end.

But to what did such approval amount? Had the idea been that the Balfour Declaration was the very soul of the mandate? Was there not, as so many Jews had already openly insisted, a growing danger that the Declaration might also be relegated to Abraham's bosom? It must be remembered that the Declaration contained the two elements now declared to be incompatible. The mandate only strengthened those elements by recognising, in its Preamble, the Jewish people's historical connection with Palestine and by making explicit mention, in Article 2, of self-governing institutions. The conflict over the execution of the mandate had simply been a conflict for the implementing of the promise made by Balfour to Lord Rothschild in his famous letter of November 2nd, 1917. That was a promise brought about by the momentary necessities of the war, as Lloyd George and others had told the Royal Commission. It seemed that, even before the Peace Conference, the British Government had already been opposed to the programme--in its view, an over-detailed and excessive programme--of the Zionists, who, burning to enter at last into possession of the Promised Land, were preparing to defend their cause in Paris. The King-Crane report, although it had officially remained a dead letter, had not been without influence in strengthening the Government's tendency to restrict and moderate Zionist aspirations; for, as the members of the Commission sent to the East had said, "a National Home for the Jewish people was not the same thing as the transformation of Palestine into a Jewish State; nor could the creation of such a State be brought about without very serious prejudice to the civil and religious rights of existing non-Jewish communities in Palestine". The members of the Commission were of opinion that the programme in question could be brought about only by force of arms and insisted on the Wilsonian principle of free determination, which had also been mentioned in the National Pact of Angora at the beginning of 1920. Notwithstanding all those varying interpretations, notwithstanding isolated declarations of certain responsible British statesmen, the mandatory Power, adhering strictly to the letter of the Declaration, had always adopted an attitude of moderation consistent, it would seem, with the initial purpose of the Declaration.

Undoubtedly the authentic interpretation was that of the mandatory Power itself. But, notwithstanding that moderate interpretation, it had not been possible to make the two peoples live together in peace side by side with one another; the Arabs had always taken

refuge in an attitude of resistance and the Jews had always been asking for more. M. Palacios did not think either that it would have been possible to secure harmony by force of arms. As was stated on page 373 of the Royal Commission's report: "It is not easy to pursue the dark path of repression without seeing daylight at the end of it".

The accredited representative had said, however, that the spirit of the Covenant and of the Balfour Declaration would be respected. How was his statement to be interpreted? Mr. Ormsby-Gore would no doubt still have something to say on that question, which led on to the second aspect of the problem. As regards the first point--the impossibility of applying the mandate--M. Palacios was in agreement with the mandatory Power.

Count DE PENHA GARCIA said that he would not approach the question from such a critical standpoint as his colleague, M. Palacios. Despite certain defects, the mandate had been in force for seventeen years. Taking an impartial view, it must be recognised that it had worked well as regards Trans-Jordan. The country had made progress, although slowly, towards the final aim of the mandate. As regards Palestine, it should be recognised that the Jewish Home had been constituted and had even made great progress. As to the Arabs, while they had not yet obtained independence, they had derived great moral, intellectual and material advantages from the mandate. A mandate was in its essence an institution of limited duration. The mandatory Power assumed certain responsibilities, but the essential aim of its administration was to prepare the country for self-government. A two-fold aim had been assigned to the Palestine mandate. At any rate since 1930, that double obligation had been recognised by the mandatory Power and by the League of Nations.

The mandatory Power had to promote the development of the Jewish Home and prepare Palestine to govern itself with independent institutions.

It was open to discussion whether the mandatory Power had used the most effective means to reconcile those two aims, the achievement of which presupposed a good understanding between Jews and Arabs. However that might be, disturbances had been frequent in Palestine, and opposition between Jews and Arabs had continually increased. Possibly not enough attention had been paid to the creation of independent administrative institutions and of economic organisations in which the interests of Jews and Arabs would have been combined. Perhaps no sufficient attempt had been made to create an Arab authority outside the strictly religious sphere.

In reality, authority had been entrusted in the case of the Jews to a colonisation agency of a confessional character; and in the case of the Arabs, to a Committee administering religious property and intervening in certain other cases. Thus, the religious aspect of the two sections of the population had been accentuated, and no attempt had been made to create a national feeling. The difference in economic power and even in civilisation between the two sections of the population had become more and more pronounced. Possibly an attentive study of those problems would have enabled the mandate to work with better results.

Three new factors had now supervened to aggravate the situation and make it still more difficult from the point of view of the Arabs--namely, the independence achieved or on the point of achievement in the case of other territories under A mandates, the progress of the Pan-Arab movement and the intervention of the Arab princes in the affairs of Palestine, and, lastly, the Royal Commission's statements, which seemed to condemn the present mandate. On the Jewish side, too, there was a new factor which made the situation more difficult--namely, the pressure exercised by certain States of Central Europe to get rid of their Jewish citizens. Account must be taken of these realities and also of certain political needs or circumstances affecting the mandatory Power. It could not be said that the mandate was unworkable; even with the present mandate, great changes could be prepared in the Palestine administration, but it was legitimate to enquire whether certain modifications in the mandate would not make it more effective.

Whatever modifications were made, however, if they were not accepted in good faith by the Jews and Arabs, the difficulties of working the present mandate would persist and further disturbances would have to be feared.

M. VAN ASBECK thought that, in answering the question put by the Chairman, the first step was to ascertain the meaning to be attached to the term "mandate". But was it not curious that, after fifteen years of the mandate, one should be compelled to investigate its exact meaning?

The Royal Commission had given an admirable account of what had taken place in the years preceding the drawing-up of the mandate. M. van Asbeck would point, in particular, to what the Royal Commission said, on pages 24, 25 and 26 of the report, as to the meaning of the mandate, and the intentions of the statesmen who had formulated the idea of establishing a Jewish National Home. Those pages clearly showed what had been the views of British statesmen. But those views had not been expressed with quite sufficient clarity either in the Balfour Declaration or in the State documents following that Declaration. The Royal Commission had explained why, but clearly showed at the same time that it was the intention of Lord Balfour and his colleagues to found in Palestine a State in which Jews might live their life in accordance with their own institutions and their own conceptions, and in which the Arabs and other non-Jewish populations should occupy the position of guaranteed minorities living, in their turn, their own life, due respect being paid to their civil and religious institutions. On November 2nd, 1919, on the occasion of the second anniversary of the Balfour Declaration, Sir Herbert Samuel spoke of a "self-governing commonwealth under the auspices of an established Jewish majority".

The Balfour Declaration did not specify that what was really contemplated constituted a Jewish State, and the Royal Commission explained why it did not do so. M. van Asbeck need not go over that ground again; but he noted the reluctance to accept the inevitable consequences of the decision to establish a Jewish National Home. The first vagueness was introduced then. Those consequences were not accepted in 1917; and in the successive declarations in 1922, when an Arab delegation was in London, the main question was again evaded--if he might be pardoned for using the term.

In that attitude, as M. van Asbeck saw the situation, there was implicit one of the underlying causes of the present disturbances. No less had the leaders of the Jewish majority in 1922 shown their unwillingness to say that the object was to found a Jewish State. They were content with a "National Home", because they thought it was not possible to speak of a Jewish State when the Jews still formed a rather small minority in Palestine. It was not at that time wise, they thought, to say that the object of the Jewish National Home was the formation of a State, as Sir Herbert Samuel had said, under the auspices of a Jewish majority.

In 1922, the Churchill White Paper meant a further departure from the ideas underlying the Balfour Declaration. All the discussions--for example, in connection with the Arab petitions--as to the meaning to be attached to paragraph 4 of Article 22 of the Covenant, and all the statements as to the object of the Palestine mandate, were obscured and disturbed by the misunderstanding that had arisen over the Balfour Declaration and the Churchill White Paper.

When the fundamental charter--that was to say, the actual mandate--was examined, it was clear from Article I that Palestine had not constituted and did not, in fact, constitute an A mandate, according to the principles laid down in Article 22 and the form observed for other A mandates. There was, for example, no national Government assisted and advised by a mandatory Power; there was a Government of the mandatory Power itself only, a Crown Colony Government, consisting of its own officials, as the Royal Commission had pointed out, and Mr. Hall had observed in his explanations.²⁶ That form of Government, administered by officials under the ultimate authority of the Secretary of State in London, did not in any way represent what the authors of the Covenant and of the other A mandates had in mind. Nor would a national Government of the mandated territory exercise administrative powers; they would belong to the mandatory Power itself.

Any discussion of the question whether the mandate for Palestine was in accordance with the Covenant was therefore bound, it would seem, to be futile, because there was no solid foundation on which such discussion could be based but only contradictory terms; the disputants were at cross-purposes.

The meaning, however, which the Mandates Commission at first attached to the principle of the Jewish National Home and the emancipation of Palestine was apparent in the order of the questions in the list (included in the annual reports on Palestine) concerning the Jewish National Home:

(1) What measures have been taken to place the country under such political, administrative and economic conditions as will secure the establishment of the national home of the Jewish people? What are the effects of these measures?

(2) What measures have been taken to place the country under such political, administrative, and economic conditions as will secure the

development of self-governing institutions? What are the effects of these measures?

Consequently, in the view of the Mandates Commission, during its early years, at the time when it drafted the list of questions, this problem of self-government was one element or part of the important issue of the establishment of the Jewish National Home. Self-governing institutions were to be developed within the National Home. A Jewish National Home, in short, with self-governing institutions, was taken--in full accordance with the intentions of the authors of the Balfour Declaration--as the final aim to be attained after an intervening period of development--self-governing institutions in which minority groups would, of course, have their due share as guaranteed minorities.

Putting on one side for the moment all that happened later, it must be admitted that the Mandates Commission, when it drafted the list of questions, was giving effect to the initial ideas and intentions of the authors of the Balfour Declaration.

On page 42 of its report, the Royal Commission stated that "the forcible conversion of Palestine into a Jewish State against the will of the Arabs" was quite another thing from fostering Jewish immigration in the hope that it might lead to the creation of a Jewish majority and the establishment of a Jewish State. By those words, the Royal Commission had introduced into its discussion of the mandate and of the policy of the mandatory Power the element of the consent of the native population--that was to say, of the Arabs; whereas the purpose of the mandate, as he understood it from the Balfour Declaration, was, on the contrary, to impose on the territory known as Palestine such conditions as would promote the establishment of the Jewish National Home and, ultimately, of the Jewish State, irrespective of the feelings of the indigenous inhabitants of the country.

On page 39 of its report, the Royal Commission stated--and it did so nowhere else in clear and unmistakable language--that "the *primary purpose* of the mandate as expressed in its preamble and its articles is to promote the establishment of the Jewish National Home".

This primary purpose, if taken in its full meaning, must affect all the articles of the mandate and all the measures to be taken thereunder. A *primary* purpose, in fact, excluded the idea of a double obligation of *equal* weight.

It was in 1924--if M. van Asbeck rightly understood the Minutes of the Mandates Commission--that the idea of a double obligation was first mooted. However, the term "of equal weight" was not then used. Later, in 1930, the accredited representative of the United Kingdom Government referred to a statement made by the then Prime Minister, Mr. MacDonald, in the House of Commons on April 3rd, 1930, which gave that dual obligation a more concrete and definite form.^{27/} It was at that extraordinary session of the Mandates Commission on the 1929 disturbances that the idea of two obligations *of equal weight* assumed its present form; and that statement by the Mandates Commission was accepted with satisfaction in the Passfield White Paper of October 1930. Since that time, public opinion and legal interpretations had attached still further meaning to that formula.

If the application and continuation of the mandate were to be discussed, the meaning to be attached to the mandate must first be ascertained. Was that meaning to be the one it had in 1917, the meaning given to it by the original author of the Balfour Declaration--namely, a Jewish self-governing State? Or was it to be that other meaning, the conception, that was to say, of the mandate as involving two obligations of equal weight? The latter conception was based mainly on Article 2 of the mandate. The now prevalent idea was that on the one hand, as regards the Jews, there was the obligation to establish the Jewish National Home, while on the other hand, as regards the Arabs, there was the equal obligation to promote self-governing institutions.

M. van Asbeck apologised for going back to a subject which had already been discussed at a time when he was not a member of the Mandates Commission; but there seemed to him to be an inherent contradiction in this argument in regard to two obligations of equal weight. There was no need for him to say any more about that inherent contradiction, because it was the main theme of the Royal Commission's report. That report insisted time after time, and in connection with every subject it touched, that there was a two-fold obligation which involved a contradiction. That contradiction, it explained, was particularly conspicuous in connection with the proposal to endow the country with autonomous institutions, because, if the Legislative Council had an Arab majority, that meant the end of the Jewish National Home, while, if it had a Jewish majority, that meant the end of Arab aspirations to self-government in the sense they attributed to paragraph 4 of Article 22 of the Covenant.

If therefore the meaning of the mandate, as accepted since 1930 by all the parties concerned (except the Arabs)--namely, as containing a double obligation of equal weight--was to be adhered to, the mandate was, he thought, unworkable. It could not be continued for the reason that the mandatory Power could not be asked to ignore the unbridgeable conflict between Jews and Arabs, of which there was ample evidence in the petitions addressed to the Mandates Commission in 1929 and 1930, as well as after the disturbances and after 1930, and especially in the latest petitions of 1936 and 1937.

But if, on the contrary, the League of Nations were to revert to the concept of the mandate held in 1917 and the following years, then the mandate would appear to be workable, provided, however, that a strong government was imposed on the country and the necessary action taken and force, if necessary, applied. And that situation would, on account of the fierce opposition of the Arabs and the unsettled state of the country, have to last for some decades! Antagonism between Jews and Arabs seemed so deep and strong that it could not be overcome by persuasion or reconciliation, but could only be removed in the long run, the very long run, by a common authority imposed from outside.

One could not help thinking in that connection of the evolution of India. There, also, two races, two world religions, two civilisations had come to confront each other, and the British authorities had found incumbent upon them the task of imposing peace and order. Under the ægis of British rule, an Indian nation had evolved only after a slow process of political development extending over centuries. After far more than a century of British

rule, an Indian nation had gradually evolved, and was now about to make the first real step on the road towards self-government. Nevertheless, it was noticeable that, within the framework even of the recent Organic Law of 1935, certain functions, certain exceptional powers, were reserved to the British Governors in times of emergency, in order to enable them to safeguard peace and order, to impose them if necessary.

In Palestine, at this initial stage, the mandate, if it should have to continue, must be a B-- and not an A--mandate. What in India by now had become exceptional powers of the British executive would, in the event of the mandate being continued, have to be the normal British mandatory powers; the Government could not be one "by consent" of the governed, but was still to be imposed. The mandate was to be carried out by an authority acting in virtue of its superior powers--that was to say, its superior material and military means--even without regard to any evolution that might be proceeding in the Arab countries adjoining Palestine. In that way, there could, perhaps, develop in the long run, by force of circumstances, a Palestinian citizenship.

If, therefore, the League reverted to the mandate as it was conceived of in 1917 and the following years, it would be deciding for a policy of "de-arabisation" of the country. There would, in the end, be a Jewish majority capable of administering a Jewish State, with an Arab minority guaranteed within the framework of the League of Nations. The attainment of that end would require government by force, which would have to last until, by gradual evolution, a Palestinian nation had come into being.

In M. van Asbeck's view, the vital question was, first, whether the League would be willing to approve of a government of the colonial type to convert Palestine into a B mandated country in the fullest sense of the term--the "mandate charter" would have to be modified--and, secondly, whether the United Kingdom, as the mandatory Power, was prepared to accept a mandate of that type, and to proceed to inaugurate a period of colonial government, such as was imposed at the present time in territories under B mandate, in Kenya and elsewhere, and had been imposed during the previous century in India?

If so, if the League and the mandatory Government accepted this form of administration, and by implication the final aim of such administration and the specific means to the attainment of that aim, the mandate must be regarded as workable. If not, the present mandate should give place to a new dispensation. Otherwise, if the interpretation of two obligations of equal weight were maintained, there would remain an intrinsic conflict in the terms of the mandate itself, the effect of which would be enhanced by the natural and age-old antagonism between Jews and Arabs. In that case, it must be admitted that the mandate was no longer workable and that there could be no question of its continuance.

M. GIRAUD thought that the Commission was faced with a very definite situation. The Council of the League had referred to it a request by the United Kingdom Government. The first step therefore was to ascertain what that Government expected from the Council's request for an opinion.

At the meeting of the Commission on July 31st, Mr. Ormsby-Gore made a long statement on the United Kingdom Government's view of the Council's request. He made it quite clear that the Mandates Commission was not asked to submit a solution at the present session; that was left to a later stage.

Having regard again to what Lord Hailey had said, on the previous day, M. Giraud concluded that the United Kingdom Government was merely applying to the Mandates Commission for authority to seek a solution outside the mandate. That seemed to simplify the question. The Commission need not examine a variety of solutions (partition, cantonisation, parity, etc.); it need only consider whether the mandate was workable under present conditions in Palestine as described by the Royal Commission.

It would therefore be very interesting to know whether the United Kingdom Government considered that the mandate was unworkable, even with amendments in the light of the new ideas put forward by that Government.

If the United Kingdom Government's reply was categorical, if it refused to employ force because to do so would arouse the opposition of public opinion throughout the world, and if, in its opinion, the mandate could not be maintained without the use of force, it would be difficult for the Commission to do otherwise than face the situation thereby indicated.

If the mandatory Power considered that the mandate could not continue, even with amendments embodying the detailed recommendations which the Royal Commission put forward in Chapter XIX--at the same time describing them as palliatives which might calm the grievances of the Jews and Arabs for a time, but would never avail to solve the question --it would be difficult for the Commission not to accept the position. M. Giraud was of opinion that the United Kingdom Government, with over fifteen years' experience of the mandate behind it, was better qualified than the Commission to say whether the mandate, even with amendments, was workable or not. It was a question of fact and not of theory. The question was whether the mandate was, in fact, applicable. If the United Kingdom Government, after studying the Royal Commission's report and examining all possible means of remedying the evils of the present situation, took the view that the mandate could not in any circumstances be continued, the Mandates Commission could not do otherwise than conclude that a solution must be sought outside the terms of the mandate.

M. RAPPARD said that, as he had been entrusted with drafting the report, in conjunction with Count de Penha Garcia and M. Sakenobe, he would rather hear first the opinion of the other members of the Commission.²⁸ But he felt that the moment had not come to Mr. Ormsby-Gore.

The CHAIRMAN said he had submitted to Mr. Ormsby-Gore in writing a question which, in his opinion, was of great importance--namely, whether the mandatory Power still considered itself morally in a position to administer Palestine under the existing mandate. If Mr. Ormsby-Gore's reply were not that which the Chairman expected, the latter might be led to modify his view.

For the moment it seemed to him that the problem might be summarised as follows: At the point to which matters had been brought--less perhaps by the effect of the terms of the mandate than by the way in which its provisions had been applied--the maintenance of the mandate would necessitate the indefinite postponement of the establishment of "self-governing institutions" provided for in Article 2 and would hinder the execution of the other essential obligation of the mandate--namely, the promotion of the development of the Jewish National Home. The maintenance of the mandate in its existing form would make Palestine a permanent scene of disturbances and perhaps of a violent conflict between the two elements of the population, which, as was known, were still armed. In those circumstances, the mandate could be carried out only under a permanent threat of resort to force by the mandatory Power. That was the first conclusion that seemed to follow, not merely from the disturbances of 1936, but even more from the experience of previous years.

Further, the very definite position adopted by the mandatory Power in its Statement of Policy seemed to have dealt a mortal blow at the mandate in its present form. Having associated itself unreservedly with the Royal Commission's demonstration of the impossibility of operating the mandate, the mandatory Power could no longer continue to carry out obligations that it had declared to be impracticable, with the minimum of faith in the virtues of the mandate necessary for its successful application. Such a conviction could be shown only by another Mandatory, and there was no question of changing the Mandatory.

If it were shown to be impossible to apply any other solution to the Palestine imbroglio, the Chairman would admit that, for want of a better alternative, it was necessary to continue the application of the existing mandate. But if that had to be, he would apply to the decision the judgment passed by Mr. Winston Churchill on the partition scheme, and would say that the maintenance of the existing mandate would be a solution of despair.

The Chairman wished to point out that he himself by no means precluded the possibility of maintaining the mandatory regime in Palestine under a mandate charter modified in the light of the lessons learnt from events.

Mlle. DANNEVIG had always based her opinion of the mandate on the text as it was conceived in 1917 and 1922, and as it was then understood throughout the world. The conception of the mandate had, however, been modified to a certain extent in 1930, as a result of the attitude of the United Kingdom Government, but also as a result of what was accepted at that time by the Mandates Commission.

She concluded that the very difficult position in which the mandatory Power now found itself was due to several reasons. One of them, as had been suggested, might be that the mandatory Power had been too lenient in its efforts to promote agreement between the two peoples in Palestine. Another reason was that the wording of the Balfour Declaration and the mandate was ambiguous. To her, the main meaning of these documents seemed clear; but it supposed co-operation between Arabs and Jews, which had utterly failed. She

could not but note that the promise to the Jews was put in a principal clause, and the guarantee to the Arabs in a subordinate clause. But she saw that the whole issue had now become a question of high politics; and the application of the mandate was dependent, not only on what was going on in Palestine, but on what was going on in other countries, and on the political situation of the United Kingdom Government.

Mlle. Dannevig would not venture, under those circumstances, to express a definite opinion as to whether it was possible for the mandatory Government to carry out its policy in Palestine in conformity with the mandate or not. The considerations which presented themselves to her were the following: She would be absolutely opposed to any policy which implied a resort to warlike military measures. She had believed in the mandate. She would be very sorry if the mandate, which had given so much hope to millions of suffering people, were to put the Jews in such a position that they would be in danger of forfeiting the results of all the admirable work they had been doing for the last fifteen years under the mandate. In her opinion, an important question in case of partition was whether the Jews would be better defended in the small State which was to be given to them under partition than they were under the mandate. Would they be able to hold their own in such a small State? Would partition facilitate future agreements between Arabs and Jews? Her views on the subject had been somewhat changed by what had taken place at Zurich. If the promise given in the mandate could be kept, by negotiations in regard to a partition scheme, in a way that satisfied the Jews themselves, that was a consideration to be taken into account.

When Mlle. Dannevig began to study these questions, her natural sympathy was with the Arabs, as a people whose country had been thrown open to the immigration of aliens. Jews and Arabs were cousins; but they had a very different history behind them, and had developed on very different lines. Having studied the problem in the Mandates Commission, she had come to see how, after the war, the Arab aspirations for liberty and self- government had been largely fulfilled by the foundation of a number of self-governing Arab States, whereas the National Home which had been promised to the Jews was in danger. And she had come to the conclusion that it was the Jews who had suffered most. The Arabs of Palestine, who always represented themselves as part of the great Arab nation, had not, after all, in her opinion, been subjected to as great an injustice as might at first appear. The principal thing now was to find a solution which might bring peace and satisfaction to all the inhabitants of the Holy Land, because that solution was as impartial and just as possible under the circumstances, and taking into account the desperate position of millions of Jews.

Lord HAILEY said that his position was difficult because, with every desire to show that perfect detachment which became a member of the Mandates Commission, he could not forget he was himself a member of that public which would have to stand the consequences of any decision the Council and the United Kingdom Government might take between them in regard to the future government of Palestine. As a member of that public, he might be compelled for many years to submit to the irritation of criticisms, such as had been heard before, of the conduct of affairs in Palestine. He might have to share in that loss of prestige which would arise from the attempt to carry on what the

United Kingdom Government itself had now found was an impossible task.

He personally did not attach much importance to the fact that at one time the United Kingdom Government believed it was in a position to carry out the mandate as it originally interpreted it, or that various British statesmen did not foresee the incompatibilities now seen to be inherent in the mandate, with the consequence that they had now had to confess themselves mistaken. The great affairs of life were not settled by desires and intentions, but by the dynamic force of circumstances; and countries would be the losers, if their statesmen were unwilling to yield to the argument of experience.

It might seem to some that the confession of the United Kingdom Government of its inability to carry out its original intentions involved in itself a loss of prestige. But that confession was a characteristically British declaration; they were a big enough people to be able to face the fact that a policy to which they had committed themselves must be modified. It was not the first time in the history of the British Empire that the United Kingdom Government had had to confess that the course it had set was leading itself and others into such difficulties that it was compelled to abandon it, and had said so openly and without hesitation.

Lord Hailey thought most of the British public, if they came to the conclusion that the task they had undertaken was one they could not honestly carry out, would prefer to face any loss of prestige that might be involved in confessing that fact rather than attempt the task of hanging on to a course which they knew to be undesirable and bound to bring unhappiness alike to themselves and to a large number of other people.

If he had ventured to speak as a member of the British public, it was because he felt that, whatever might be the resolutions of the League of Nations, they must be such as to carry conviction to the British public; the ultimate decision must, in fact, be bilateral.

Lord Hailey then passed to the particular question asked by the Chairman, whether the continuance of the mandate in its present form was feasible or not. The answer to that question depended at bottom on a decision whether the objective of the mandate was to be understood as the establishment of self-government in Palestine on the ordinary principles of self-government--namely, popular representation and Ministries responsible to a majority. Most people in Great Britain had taken that objective as being implicit in the terms of the mandate; and he believed that the greatest contribution which the Mandates Commission and the Council could now make to the very vexed and troublesome issues with which they were faced would be a clear declaration on that point. Hitherto, the point had never been clearly stated; and much of the trouble that had arisen was due to the prevailing uncertainty as to whether that was, or was not, the ultimate--and, if possible, the early--objective of the mandate. If that really were the objective, it might, no doubt, be attainable by means of a policy of what M. van Asbeck had himself described as "Crown Colony" government maintained, until such time as the mandatory Power was satisfied--it might be, after a century of rule, as in the case of India --that conditions had arisen in which self-government could be introduced.

But what would such a policy mean? It would inevitably mean yielding to the force of Jewish claims, and to what was perhaps the very natural ambition of the Jewish people, to the extent of interpreting self-government as meaning government by a majority of Jews—in other words, as M. van Asbeck had said, the de-arabisation of Palestine. Lord Hailey did not think that this was compatible with the Churchill Declaration of 1922, and he doubted whether it was compatible with the terms of the agreement reached by the Mandates Commission in 1930. He was not, however, concerned with questions of interpretation, but with a question of substance: was it likely that the United Kingdom Government would undertake any such task? That, after all, was the dynamic fact. Whatever the Mandates Commission or the Council said, was it likely that the British people would agree to undertake the task of holding Palestine down, until there was such a majority of Jews that they could entirely overcome any Arab political opposition? Personally, he did not think so.

There was, of course, the suggested alternative of parity: but, having had many years experience in a province where Hindus and Mohammedans were almost equally balanced in numbers, he was aware of the great difficulty involved in that alternative. The "parity" alternative was, in fact, almost a contradiction in terms, inasmuch as it would inevitably imply the existence of some third party to solve the difficulties of the two "paritative" elements: in other words, it would amount to permanent continuance of the mandate or some analogous form of government.

Some form of proportional representation might perhaps be tried within the terms of the mandate. India was well accustomed to a system of communal representation designed to reflect either the actual proportions of the voters or the assumed proportions of the interests concerned. But there were obvious difficulties to such an arrangement in Palestine. He could see no circumstances in which it would be accepted either by the Jews or by the Arabs: and the continuance of a State under a system of communal representation, where the two parties were so radically antagonistic, presupposed the presence of a third party, if not in complete and everyday control, at least with large reserved powers.

It was when one looked at the problem, not so much as a problem of day-to-day administration, or even as a problem involving perplexing and difficult questions in the maintenance of order, but rather as a problem of the future political development of the country, that one was forced to the conclusion that what had been assumed to be the objective of the mandate was in fact unattainable. Lord Hailey did not want at the present juncture to indicate what particular modifications of the mandate he would suggest. That was not the question at present before the Commission. His feeling was that it should be left to the mandatory Power to explore the various possibilities. But this much Lord Hailey could say: that he regarded the mandate as unworkable, not merely because of recent experiences, not merely because there had been riots and disturbances, but because the future political development of the country was essentially and intrinsically impossible on the lines which appeared to be implicit in the mandate.

The CHAIRMAN noted that all the members of the Commission had expressed their opinion except M. Sakenobe, who was temporarily absent. M. Sakenobe would be invited

to communicate his view on his return to Geneva.

The Chairman added, as indeed had already been said during the exchange of views, that each member of the Commission reserved the right to change his point of view after having heard Mr. Ormsby-Gore.

TWENTY-FIRST MEETING.
Held on Thursday, August 12th, 1937, at 5 p.m.

Palestine: Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission.

Mr. Ormsby-Gore and Mr. Hall came to the table of the Commission.

POSSIBILITY OF CONTINUING TO ADMINISTER PALESTINE UNDER THE
EXISTING MANDATE
(continuation): APPLICATION OF THE PALESTINE DEFENCE ORDER-IN-
COUNCIL OF 1931:
POSSIBILITY OF AN UNDERSTANDING BETWEEN THE VARIOUS ELEMENTS
IN PALESTINE:
PLAN OF PARTITION OF THE TERRITORY *(continuation)*: PETITIONS.

The CHAIRMAN said that the Mandates Commission had felt some hesitation in asking Mr. Ormsby-Gore to return to Geneva. He hoped that, when he left, Mr. Ormsby-Gore would take with him the impression that his presence at Geneva was really necessary for the satisfactory accomplishment of the Commission's work.

Mr. ORMSBY-GORE replied that, when leaving Geneva, he had undertaken to return if the Commission so desired. He fully realised that the double fact that the Mandates Commission was meeting so soon after the publication of the Royal Commission's report and that such far-reaching issues had been raised both in that report and in his statements at previous meetings doubtless explained why the Commission was reluctant to adopt decisions without asking him further questions.

The CHAIRMAN explained that, as decided at a previous meeting,^{29/} several members of the Commission had put in writing certain questions which they proposed to ask Mr. Ormsby-Gore and had communicated them to him in order to be of assistance to him.

Mr. ORMSBY-GORE proposed to deal first with the most fundamental question asked--namely, M. Orts' third question--taking with it also one of M. van Asbeck's questions and M. Rappard's first question.

The Chairman's third question read:

"Paragraph 3 of the Statement of Policy (Cmd. 5513) says:

"`In the light of experience and of the arguments adduced by the Commission . . .'

"His Majesty's Government `are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock.'

"In view of this declaration, does the mandatory Power think it would still be morally possible for it to administer Palestine under the present mandate in the event of the League of Nations taking the view, after consideration, that the mandate should continue?"

M. van Asbeck's first question was:

"As late as September 7th, 1936, the United Kingdom Government declared that a solution of the dispute must be sought for in the execution of the mandate. What events have led to the abandonment of these views and the adoption of the negative opinions on this subject of the Royal Commission? Or is the Commission's report itself to be regarded as the decisive reason?"

M. Rappard's first question was:

"The Royal Commission tends to consider that the maintenance in force of the present mandate would necessarily entail `constant repression' (page 373) and even `perpetual hatred, strife and bloodshed' (page 375). The dilemma would therefore be such a policy or one of partition.

"Does the mandatory Power adopt this view?"

"Or does it admit that an administration of the present mandate in a spirit that would leave no doubt in the minds of the Arabs as to the sincerity of `the British determination to implement the Balfour declaration' (Chapter XIX, paragraph 1 in fine, page 363) would be workable without `constant repression'?"

"Or, if not, does it consider that such an administration would have been workable, if set up and maintained since 1920?"

The CHAIRMAN wished to explain what he had meant in his third question by the words "morally possible". He had meant to say: "Could the mandatory Power, after its declarations, still administer Palestine in accordance with the present mandate with

sufficient conviction to ensure the success of an administration on the basis of the mandate?"

Mr. ORMSBY-GORE appreciated the Chairman's explanation, and would answer accordingly.

It was his belief that, in view of the actual wording of the Royal Commission's report, and in view of the mandatory Power's declaration that a deadlock had arisen and that its hopes of seeing Palestine evolve into a self-governing State where Jews and Arabs would have reconciled their differences had not been fulfilled, and in view of the fact that neighbouring Arab States had intervened, and in view of all the efforts sincerely made to work the mandate as drafted, he was satisfied that no British Government could administer Palestine on the basis of the existing mandate without considerable alterations.

He was not speaking solely for the Government. No British House of Commons, he believed, would, in the long run, support the Government of the day, however composed, in a continued policy of repression, having regard to the facts set out by the Royal Commission and the declared intention of the present Government to seek from the League authority to change the mandate. There would not, in his view, be any prolonged conviction or authority, political or moral, behind any policy relying solely on the existing mandate.

Mr. Ormsby-Gore wished to point out in that connection that, hitherto, certain fundamental questions had been left vague--for example, as regards the interpretation to be placed on the Balfour Declaration itself. The first attempt to define it had been made in Mr. Churchill's White Paper of 1922. The next attempt was that made by the Labour Government in 1930 (the Passfield White Paper). In that year, the United Kingdom Government decided (and conveyed its decision through the Mandates Commission to the League) that the proper interpretation--which had possibly been assumed before, but had not till then been defined--of the Balfour Declaration was that it constituted a dual obligation to the Jews on the one hand and to the Arabs on the other, and that those obligations were of equal weight. The effect of the Royal Commission's report had been to bring out the fact that the Balfour Declaration itself was a compromise, that there were people like Mr. Balfour, who were pre-Declaration Zionists who had always envisaged the creation in Palestine of a Jewish State. Once the question of a Jewish State, as an interpretation of the Balfour Declaration, had become clear to the world, then all possible vaguenesses had to be set aside, and one was faced with the fact that the mandate had to be interpreted in the sense that the object of the mandate had been and still was to develop, first, a Jewish National Home with the idea of it eventually becoming a Jewish national self-governing State. That had emerged, and emerged clearly, into the light of day for the first time, and the fact was now known to both Jews and Arabs. Mr. Ormsby-Gore therefore did not think that it was possible to return either to the position as it was immediately after the issue of the mandate in 1922 and the interpretations as then advanced or to the interpretation of 1930. As he had already said, the Mandate had now to be reconsidered in relation to Article 22 of the Covenant. What was the aim, the "avenir" in Palestine? That was the question raised, and, once raised, it had to be answered. He was quite sure, however, that, within the articles of the mandate as at

present drafted, there was no such answer unless it could be said to be found in Article 2 of the mandate, which imposed upon the mandatory Power the duty of developing self-governing institutions other than municipal. That being the fundamental fact, it seemed to him impossible to return to a position where either the mandatory Power or the League could say: "We stand on the text as drafted in 1920".

The Royal Commission had used a very striking phrase in this connection on page 2 of its report, where it said that the conflict between Jews and Arabs was not a conflict between right and wrong but a conflict between two rights. That fact having been stated, it was essential, in the view of the mandatory Power, to solve the problem thereby created.

Before passing to M. van Asbeck's question on that point, there was perhaps one thing he should add. For better or worse, the people of Great Britain were a liberal and democratic people, and when they were told, and when a Government agreed, that the conflict was between right and right and not between wrong and right, the British people could not for long be persuaded to use military force to settle a conflict between right and right. As he had told the Mandates Commission at an earlier stage, two forces operated on public opinion in England in such matters: on the one hand, there was the desire to help the suffering Jews of Europe, and, on the other hand, there was a considerable volume of opinion, formerly represented mainly by the Liberal Party but now shared by all, which stood for the inherent rights of an indigenous native population. The growth of that opinion in relation to Africa, to India, and elsewhere--wherever the British Empire was in contact with non-British people--was steady, and therefore the military repression of either Jews or Arabs was not likely to prove acceptable to Great Britain and the United Kingdom Parliament. Accordingly, a political solution of what was essentially a political problem had got to be found.

To deal more particularly with M. van Asbeck's question, Mr. Ormsby-Gore had just said that the British were a liberal and a democratic people. They were also, in political matters, a practical people, and no considerations of prestige or the like deterred them from changing their views. They had often done it before; they had had prolonged political controversies about it, but when they were convinced that a policy drawn up with the best intentions twenty years ago, or even fifteen years ago, was working very badly--very badly from the point of view of Great Britain, badly from the point of view of the Jews and badly from the point of view of the Arabs--they did not hesitate to say so and to seek to change that policy.

M. van Asbeck had asked Mr. Ormsby-Gore why he had said in the House of Commons last September, and why the Cabinet, in issuing its Statement of Policy when it sent the division out to Palestine to deal with the disturbances, had said that a solution must be sought for in the execution of the mandate. That was then the view of His Majesty's Government; but, even if it had not been its view, it was dealing with an actual revolt, and it would have been impossible to go on suppressing that revolt and to add another division of troops and to prepare for martial law and then to have admitted that it was wrong. It was quite obvious that, even if the United Kingdom Government had then been convinced, by successive Arab risings in Palestine and by all that had happened last year,

by what the Shaw Commission had said, by the difficulties that it had had in Palestine from the beginning in its sincere endeavour to implement the mandate, that was certainly not the moment, when law and order had to be restored, to admit failure.

Excellent as the intention had been, the mandate as now drafted had failed as a political instrument either to satisfy Jewish or Arab aspirations or the mandatory Power's hopes, and it was now the considered view of His Majesty's Government that it was desirable, in the interests of all three and, more than that, in the interests of the whole of the Near East, that a solution of the Palestine problem, in the light of present knowledge, should be found.

The first part of M. Rappard's question was answered by what Mr. Ormsby-Gore had already said. M. Rappard put it in this way: "The dilemma would therefore be such a policy (of repression) or one of partition. Does the mandatory Power adopt this view?" Mr. Ormsby-Gore's answer to that was "Yes", with the qualification, which he had made clear throughout, that the United Kingdom Government had never said that partition was the only conceivable solution; it had said that, in its opinion, and in the light of the Royal Commission's report, partition represented "the best and most hopeful solution". The United Kingdom Government did not wish to explore other solutions unless and until it had been shown that a policy of partition was, for one reason or another, impracticable.

The second part of M. Rappard's question read: "Or does it admit that an administration of the present mandate in a spirit that would leave no doubt in the minds of the Arabs as to the sincerity of 'the British determination to implement the Balfour Declaration' would be workable without 'constant repression'?" Mr. Ormsby-Gore was confident that, if the Mandates Commission decided not to explore a political solution of the deadlock and to continue the administration of the present mandate--even assuming that British public opinion supported that view--not only would it involve constant repression but all the difficulties experienced in recent years would be intensified.

M. Rappard's question continued: "Or, if not, does it consider that such an administration would have been workable, if set up and maintained since 1920" Mr. Ormsby-Gore did not admit that successive Governments of the United Kingdom had not tried their best to implement the existing mandate.

M. RAPPARD pointed out that the wording of his question was quoted from the Royal Commission's report.

Mr. ORMSBY-GORE reiterated his firm conviction that successive Governments of the United Kingdom had tried to administer the mandate. From 1922 to 1930, they had tried to carry it out as defined in the Churchill White Paper. Since 1930, they had tried to carry it out on the basis of the dual obligation of equal weight. It should be clearly realised that no United Kingdom Government, at any time since the mandate was issued, had ever agreed to the policy of creating a Jewish National Home without regard to the civil and religious rights of the non-Jewish inhabitants, and that the mandate had never, in the opinion of the United Kingdom Government, been merely an instruction to impose a

Jewish political government on the non-Jewish population of Palestine. That might have been done in the beginning, in time of war; but, given freedom of criticism and of discussion, and the fact that it was a temporary mandate preparing for a self-governing State or States, Mr. Ormsby-Gore did not believe that any country could have made a better job of the mandate than had the United Kingdom. He admitted that it had not been successful; but he believed that any other country, faced with the forces at work in Palestine and throughout the world--in Central Europe as far as the Jews were concerned and in the Arab world owing to the latter's evolution from the regime of dependency to a regime of freedom--would have found its administration, however organised, faced by the same impasse as that experienced by the present mandatory Power last year.

M. VAN ASBECK asked if he had rightly understood Mr. Ormsby-Gore to mean that the difficulties were due to efforts to impose Jewish government on an Arab population.

Mr. ORMSBY-GORE said he had meant the imposition of Jewish government over the whole of Palestine, where the Arabs were in an overwhelming majority. He was sure that if the mandatory Power had attempted, in the early years of the mandate, to propose the solution of Jewish political rule and the early termination of the mandate, there would have been an Arab rising even more extensive than that which took place in 1936.

M. RAPPARD wished to explain his question, as he realised that it might perhaps have seemed unduly impertinent considering the position of the Mandates Commission in relation to the United Kingdom Government. For that reason, he had based his question on a declaration of the Royal Commission, which, given in full, was the following (page 363):

"This uncertainty has aggravated all the difficulties of the situation and, in particular, has (*a*) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as possible and (*b*) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as showing that the British determination to implement the Balfour Declaration is not sincere."

M. Rappard had not meant to say that it was not sincere; his question had been designed to discover if that feeling could have been overcome by a different administration of the present mandate.

Mr. ORMSBY-GORE proposed to deal next with the Chairman's first question, reading: "From the explanations given by Mr. Ormsby-Gore at the eighth and ninth meetings, it appears that among the circumstances which prevented the disturbances from being put down more promptly was the fact that the Palestine Defence Order-in-Council of 1931 conferring extraordinary powers on the High Commissioner left intact the power of the courts to judge the legality of the Emergency Regulations issued by the High Commissioner and the application of those Regulations. The Order-in-Council of 1931 was amended on September 26th, 1936, by the

introduction of two new articles for the purpose of removing this difficulty by stipulating that the measures taken in virtue of the Order-in-Council of 1931 could no longer be challenged in the courts. As the application of martial law appeared to be the most effective means of restoring order, why did the Government wait until the end of September--five months after the outbreak of the disturbances--before issuing the Order-in-Council amending that of 1931?"

Referring to the last sentence of the first question, Mr. Ormsby-Gore wished to make it quite clear that the reference was not to the Palestine Administration but to the action of the Government in London. As he had taken over responsibility about six weeks after the outbreak, he could not discuss what had been in the mind of the Government before that date; but in June and July, it certainly had been the Government's policy to avoid, if possible, the use of martial law and to avoid the kind of military repression which, in its opinion, would have left a long-lasting feeling of bitterness among the Arabs of Palestine both against the United Kingdom and against the Jews.

The Mandates Commission had heard from Mr. Hall an account of the successive phases of the revolt of the previous year. Mr. Ormsby-Gore remembered that, during the first few days after he had taken office, he had been encouraged to hope that the Government had within its powers, within the number of troops in Palestine and within the steps that were being taken by the High Commissioner and the military authorities on the spot, the necessary authority and force for dealing with that phase of the revolt, which affected towns and means of communication. In fact, during the summer, the Government had felt that it was gradually mastering that phase of the revolt. It was not until the summer had advanced that active revolt, including the appearance of organised bands, mainly Palestinian it was true, but also containing Arabs from outside Palestine, and based upon the villages and the mountains in the north, the centre and the south of the country, had become the characteristic feature of the rebellion. Therefore, at the end of August or beginning of September, the members of the Cabinet were called back from holiday and Mr. Ormsby-Gore reported on the situation and, in view of the character which the revolt was assuming, advocated the establishment of martial law and the adoption of more repressive measures. That was agreed to, after the necessary consultation with the General Staff, which had advised the Government that nothing short of the despatch of a complete division would be sufficient to deal with the disorders and to replace the civil by a military administration.

The decision to send a division to Palestine, announced on September 6th or 7th, had meant preparing and working out the necessary schemes for martial law. It was after that decision was taken that Mr. Ormsby-Gore's legal adviser pointed out to him that, owing to the provisions of the British Constitution and its special safeguards against martial law, and in view of the independence of the judiciary and various other considerations that Mr. Ormsby-Gore had already explained to the Mandates Commission, the imposition of martial law would probably be challenged in the courts, first in Palestine, and possibly on appeal to the Privy Council in London. Therefore, if martial law were the policy of the United Kingdom Government, it would be necessary, for constitutional reasons, to amend

the 1931 Order-in-Council and to remove the constitutional safeguards existing in the British Empire against the use of martial law. That had been done. Of course, the Order-in-Council had had to be drafted, and formalities had had to be gone through. Mr. Ormsby-Gore had had to go to Balmoral to meet the King, whose presence was necessary for the issue of an Order-in-Council. All that had been done as quickly as possible.

Mr. Ormsby-Gore hoped that the Commission would not think that the Government had been actuated or much influenced by the fact that remarks had been made by judges in Palestine. That was not the point. The real point was that until the revolt had spread to the bulk of the Arab villages in Palestine and to the hill country, the Government had not considered it either good policy or essential, in handling the disturbances in their earlier phase, to have martial law. When the Government had considered that necessary--namely, at the end of August--it had made all the preparations for martial law, including the elimination of the right of the courts to intervene.

M. Orts' second question read as follows:

"Does the official information received from Palestine support the credibility of telegrams which have appeared in the Press--e.g., in *The Times*--to the effect that the Arabs and Jews in Palestine, in common opposition to the idea of partition, are tending to get together with a view to an understanding between the two elements?"

"More generally, what is the state of public opinion in Palestine since the publication of the Royal Commission's report and the Statement of Policy by His Majesty's Government? What is the feeling in Jewish circles as well as in Mohammedan and Christian circles?"

"What observations does the mandatory Power desire to make on the recent petitions from the Husseini Party, the Nashashibi Party, and the Committee for the Defence of the Israelites (an idea of the Round Table Conference)?"

Mr. Ormsby-Gore had had no confirmation either from London or Palestine that the Jews and Arabs were getting together in Palestine, and he thought it unlikely, certainly at the present stage, that the telegrams appearing in the Press on that subject had any substantial foundation. It was only a few weeks since the report of the Royal Commission and the Statement of Policy had been issued, and, in a country so politically-minded as Palestine, he doubted very much whether either Jews or Arabs were at present prepared to burn their boats either for or against partition or any other acceptable solution of the problem. There was one illusion--as he saw it--which was cherished by the Jews. It was that there was a number of Arabs who were friendly disposed to the Jewish National Home and to Jewish political aims, and who would readily be their friends. That was a particularly illusory hope when all the tragic events of the previous year were still so fresh in people's minds and would require the healing effect of time. It might be that some Jews and some few Arabs--neither carrying any substantial weight in the country--were discussing the matter together. Dr. Magnes, of the Hebrew University in Jerusalem--who unfortunately had very little following among the Jews in Palestine--had laudably been working for that

object for a long time past and had redoubled his efforts lately, but, so far as Mr. Ormsby-Gore knew, with little success.

As to the second part of the question, it was difficult to say what was the present state of public opinion in Palestine. The proposals of the Royal Commission were so far-reaching and so novel that one could not expect long views to be taken about them yet. Mr. Ormsby-Gore was afraid that, inevitably, both Jews and Arabs, and even many members of the House of Commons, as recent debates had shown, had concentrated on specific details in the illustrative plan of the Royal Commission. They were busy discussing the map. That was the position as he saw it at present.

If, after the Moslem States had had an opportunity of stating their case to the League Assembly and after the Council had received and considered the report of the Mandates Commission, the deliberations of the various League organs in the next two months resulted in opening the door to partition as being the most hopeful solution of the problem, as something that was considered and was likely to be practical politics--not only the policy of the United Kingdom Government, but a policy which in broad lines commended itself to other League Powers--views in Palestine might change, and the tactical position of saying "No" might be abandoned in favour of the tactical position of submitting detailed demands.

As to Jewish feeling, Mr. Ormsby-Gore understood that the Zionist Congress had just concluded its first examination of the general position. The resolutions of the Congress were critical, but, taken in conjunction with the speeches made in support of the majority, it was clear that, while the Congress wanted this, that and the other, and while it complained about the past--as it had continuously done for years--Zionists did not reject a solution on the lines of partition, and were thinking constructively about the possibilities of a Jewish State in the near future.

With regard to the Mohammedans, Mr. Ormsby-Gore had every reason to believe that, for natural and possibly other reasons, the Arabs in Trans-Jordan--not only the Amir Abdullah, who had come out in favour of it--would like a larger State, would like independence, and regarded the proposal favourably.

He believed that many Arabs in Palestine would welcome that solution, and still more Arabs would accept it as a *fait accompli*, or some approach to a *fait accompli*. Some Arabs in Palestine would, of course, always be *intransigent*.

The Christians had made common cause with the Arabs against the Jews, but it was clear that a great many of them--probably more than in any other section of the community--would like to see the continuation of some definite form of control, especially where they lived, either by the League direct or by the United Kingdom. The Christians, numbering 100,000, were the smallest minority, against over 800,000 Moslems and 400,000 Jews. The attitude of the Christians might well depend on how many of them were left in the proposed British mandatory enclaves and what rights were given to them as minorities in the two States; small they would certainly be, if Bethlehem, Jerusalem and Nazareth were

excluded from both the Jewish and the Arab States.

The Chairman had asked: "What observations does the mandatory Power desire to make on the recent petitions from the Husseini party, the Nashashibi Party and the Committee for the Defence of the Israelites?" The Husseini party--the Mufti's party--was now, as it had always been from the beginning of the mandate, hostile to the mandate itself, to the Balfour Declaration, and to the continued presence of any mandatory Power in Palestine, and adopted the line that there were too many Jews in Palestine already. That was a consistent attitude of intransigence. The Nashashibi party demanded that Jewish immigration be limited to the proportions already existing between the various races in Palestine. It was less extreme, less *intransigent*, on all issues; but could not at the present moment, whatever its real feelings, be expected to come out in favour of a solution by partition. As regards the idea of a Round Table Conference and the well-meaning aspirations conveyed in the Godart petition, Mr. Ormsby-Gore did not believe that these ideas had the support of any Jews or Arabs in Palestine. While he did not rule it out for all time, he did not believe that a Round Table Conference was practical politics at present, and he did not think that the detailed solution proposed was in the least likely to commend itself to anybody in Palestine at this moment.

As to the question of political parity, where did it lead? Political parity was something stationary, apparently, for all time. It meant that neither the one nor the other party was to have any effective responsibility. It did not lead to self-government. It sterilised the whole situation in Palestine, and anything which sterilised the whole situation in Palestine would, in the light of events, be fraught with inevitable disaster. Only a policy which was capable of evolution towards a known end would enable both Jews and Arabs to know exactly where they would ultimately arrive, and the mandatory Power likewise. Those people who were anxious to bring Jews and Arabs together undoubtedly meant well but, in the present state of Palestine and the neighbouring countries, the task was impracticable at the moment.

Mr. Ormsby-Gore had told the Commission how efforts had repeatedly been made, particularly by the present High Commissioner, Sir Arthur Wauchope, with the same idea of conciliation, of bringing Arab and Jew together, how British officers had been asked to get Jews and Arabs to meet in their houses, how attempts had been made to associate Jews and Arabs in the same Government departments with British officers, and how tragic had been the failure of that policy. One could wish that it were otherwise; but one must take the facts as they were. As the mandatory Power saw them to-day, such well-meant efforts were likely to lead to no practical result.

This reply, he thought, answered M. Rappard's second question reading:

"Is the mandatory Power aware of the proposals for an Arab-Jewish reconciliation on the basis suggested by the Comité pour la défense des droits des Israelites en Europe centrale et orientale?"

"Does it consider the solution proposed by this body to be acceptable, if practicable?"

"Would it welcome and encourage the conversations between Arabs and Jews recommended in these proposals?"

Mr. Ormsby-Gore would, however, like to say a word or two on the last paragraph. He thought that conversations between the Arabs and the Jews would be welcomed and encouraged when both of them knew what attitude the League was likely to take. He saw no use in trying to encourage them at the present stage. The eyes of both Arabs and Jews were at present quite as much on the Assembly, the Council and the Mandates Commission of the League as they were on the United Kingdom Government and, when the decisions and recommendations of the Council on the report of the Mandates Commission and on anything that arose out of the debates on the Palestine question in the Assembly were known, possibly the problem would enter into a new phase, and it might then be well worth while encouraging Jews and Arabs to see if they could come to a compromise. But, for reasons already stated, that process could not be accelerated. Only when it was clear that some solution other than the rigid maintenance of the existing mandate was regarded as feasible and worth discussing, would it be possible to open useful conversations between leading Arabs and leading Jews.

Mr. Ormsby-Gore passed on to M. van Asbeck's question reading:

"Is it possible to imagine a solution which would not have to be imposed, both as regards the execution of a plan of partition in general and as regards the transfer of populations? (See the contradiction between paragraph 87, sub-paragraph 2, on page 248 and paragraph 41 on pages 390 and 391 of the Royal Commission's report.) Can the imposition of a new solution be expected to necessitate less compulsion than the continuation of the existing mandate, even with a few modifications?"

That question opened up a new subject. The first enquiry: "Is it possible to imagine a solution which would not have to be imposed?" could be answered in the affirmative, by which Mr. Ormsby-Gore meant that a solution could be found which would receive sufficient assent from both Jews and Arabs. There would be a minority of both races who would not like it, but sufficient assent could be obtained to enable a solution on the lines of partition to become practical politics. He would deal with the rest of the question later.

TWENTY-SECOND MEETING.

Held on Friday, August 13th, 1937, at 10.30 a.m.

Palestine: Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission (continuation).

Mr. Ormsby-Gore and Mr. Hall came to the table of the Commission.

PLAN OF PARTITION OF THE TERRITORY (*continuation*): TRANSFER OF
POPULATIONS:
JEWISH IMMIGRATION: QUESTION OF THE SETTLEMENT OF JEWS IN ARAB
TERRITORIES:
BALFOUR DECLARATION: QUESTION OF THE FULFILMENT BY THE
PROPOSED TWO NEW
STATES OF THE CONDITIONS PRECEDENT TO THE TERMINATION OF A
MANDATE.

Question by M. van Asbeck.

"Is it possible to imagine a solution which would not have to be imposed? Both as regards the execution of a plan of partition in general and as regards the transfer of populations? (See the contradiction between paragraph 87, sub-paragraph 2, on page 248 and paragraph 41 on pages 390 and 391 of the Royal Commission's report.) Can the enforcement of a new solution be expected to necessitate less compulsion than the continuance of the existing mandate, even with a few modifications?"

Question by Mlle. Dannevig.

"It is said in the report of the Royal Commission (page 391) that, in case their partition scheme is to be carried on, it is an essential element for success, as regards the possibility of increasing Jewish immigration, that there should be a transfer of Arabs from the proposed Jewish State which is already densely populated.

"May I ask how such a transfer can take place without prejudicing `the civil and religious rights of existing non-Jewish communities in Palestine'?"

Questions by M. Rappard.

"The Royal Commission holds that `In the hills (of Palestine) there is no more room for further close settlement by Jews; in the plains it should only be allowed under certain restrictions' (Chapter XIX, paragraph 3, page 364). Also it recommends that Jewish immigration should be drastically curtailed, being fixed at 12,000 `Jews of every category' a year for the next five years.

"These proposals are made in view of the mandate remaining in force.

"Is it the opinion of the mandatory Power that, in case of partition, the part of Palestine allotted to the Jews would absorb a much greater Jewish immigration than that considered possible by the Royal Commission in case the whole of Palestine should remain open under the existing mandate, with its provisions regarding immigration to be facilitated by the mandatory Power?"

"Could the mandatory Power, at least as a rough estimate, give an indication of the numerical importance of Jewish immigration into the Jewish State in case of partition

which it considers possible and desirable?

"In order to attempt such an estimate one would of course have to assume that the pressure of Jews clamoring to return to Palestine and the resources of the Jewish organisations remain as they are to-day."

"Advocates of partition tend to assume that the establishment of a Jewish State would facilitate the settlement of Jews in the neighbouring Arab territories.

"In so far as the new Arab State is concerned, the Royal Commission does not seem to share this view (Chapter XXII, paragraph 37, page 389).

"What is the opinion of the mandatory Power on this point?"

"The importance of this question, combined with that raised under V above, is of course fundamental, as the relative merits of the two solutions--mandate or Jewish State-- will be widely judged according to their respective 'absorptive capacities'."

Mr. ORMSBY-GORE said that M. van Asbeck's question dealt with the problem of imposition or consent. He did not think he could add very much to what he had already said in regard to imposition. A definite plan of partition, and all that it would involve, had not yet been worked out; and, until it was worked out, it was extremely difficult to say how far either the Jews or the Arabs would consent to it. Further, until a definite solution of a geographical character involving the establishment of two independent States had been worked out, it was very difficult to talk about imposition. But he was quite sure, not to put it any more strongly, there was a hope of consent.

But, if that failed, under what conditions could imposition be attempted? By imposition he meant, not so much imposition by force of arms, as imposition by the express determination both of the United Kingdom and of the League that a solution had been arrived at which was fair, just and practicable. In that connection, he would repeat what he had said the previous week.^{30/} A definite solution had not yet been reached. Before it was seen what the solution was likely to be, it was very difficult to answer the question. Until it had been ascertained whether there was a chance of either the Jews or the Arabs of Trans-Jordan and Palestine accepting some solution, and until the matter had been explored in the conciliatory spirit of the League, Mr. Ormsby-Gore did not think it proper to talk of imposition. But if finally, in the light of actual events, the League and the mandatory Power were satisfied that a given solution was just and ought to be applied, he thought that solution could be applied. After all, the territory was administered on behalf of the League; and, until the League was satisfied that a solution on the broad lines proposed was the proper solution, he did not think either the mandatory Power could be expected to enforce it or the Jews and Arabs to accept it.

There was an appeal from the mandatory Power to the League; and the United Kingdom could not act without the League's approval. In the last resort, therefore, it was only if a solution had the backing, not only of the United Kingdom, but also of the League, that

there would be sufficient moral and political force behind it to enable it to be imposed. There was, in his opinion, more hope of such a solution being achieved without violence than of a continuation of the present mandate.

But, referring to the last part of M. van Asbeck's question, Mr. Ormsby-Gore did not think a "few modifications" would meet the case. There were only two modifications of the existing mandate which would prevent a recurrence of Arab hostility. These two essential modifications, demanded by the Arabs as the price of peace under anything like the existing mandate, were, first, a definite decision by the League as to the ultimate destiny of Palestine and, secondly, a definite statement as to the limits of Jewish immigration. Uncertainty regarding the ultimate destiny of Palestine lay at the root of the problem. So long as the Arabs of Trans-Jordan and Palestine feared that the whole country was to evolve into a Jewish State, they would go on agitating and adopting a policy of continuous hostility.

It was for the same reason that the Arabs feared Jewish immigration. They feared that under the pressure of Jewish propaganda, under the impact of Jewish influence, Jewish immigration would be such in the course of years as to enable the Jews to acquire such a hold throughout Palestine--and it must be remembered that the Jews had never given up their claim to extend into Trans-Jordan--that there would be no future for the Arabs other than as a minority under Jewish domination.

Any amendment of the mandate which was to ensure peace in Palestine must take into account the deep-rooted fears of the overwhelming mass of the native population that it was to be reduced to the status of a minority under Jewish domination and under a Jewish Government over the whole country. Tinkering with the mandate would give no finality, and certainly would not give peace. Therefore, if it came ultimately to imposition, it would be far better, and more likely to avoid successive periods of bloodshed, to have a scheme based upon partition than the continuance of the existing mandate, either with small or--what was infinitely more probable--large modifications.

That led Mr. Ormsby-Gore immediately to the consideration of the fifth question by M. Rappard. He was quite satisfied--and he could quote Lord Samuel's speech in the House of Lords in support of the view--that the Royal Commission had been right in saying that, if the existing mandate was to continue, the only hope of peace and good government in Palestine necessarily involved such a curtailment of Jewish immigration as to rule out, in effect, Palestine being the principal solution of the problem of Jewish suffering in Central Europe.

That statement, both by Lord Samuel and by the Royal Commission, was based upon political considerations, the most important of which was that the intense hostility of the Arabs to Jewish immigration was the one thing that was certain to continue. The Royal Commission had also had in mind, as had the mandatory Power, that, if the mandate was to continue, they were bound by the inevitable implications of the decisions of 1930 regarding "equal weight". The consideration of equal weight, apart from the political considerations, also involved necessarily a drastic limitation of Jewish immigration: for,

if there was not that limitation, there would be, not only further disturbances, but pressure by the Jews to acquire more land and dispossess more Arabs and pressure against the employment of Arab labour. The inevitable result would be that large numbers of Arabs in Palestine would in fact become unemployed and a landless proletariat.

What would be the position under partition? If the Jews had a sovereign independent State, without the limitations of "equal weight" and without the mandatory Power being responsible for "equal weight", was there a hope that, both in the Jewish State and outside it, there would be a reasonable prospect of much larger Jewish immigration? Mr. Ormsby-Gore had already told the Commission that that was his view.³¹ The Jews put their figures very high indeed. They said that, if they had control over anything like the country proposed, and still more if they could get a little bit more here and there, they could get very large numbers indeed into that area.

How did they propose to do that? In three ways. First and foremost they proposed to do it by intensive industrialisation. They believed, rightly or wrongly, that with their technical and commercial skill, coupled with the fact that in the Eastern Mediterranean there was comparatively little industry and they were in a position to import raw materials, work them up and sell them throughout the Eastern Mediterranean, they could establish manufactures.

Secondly, they said--and he thought there was truth in what they said--that given a definite Jewish State and an exchange of lands outside that State which they had already acquired in what was proposed as the Arab State against land belonging to Arabs in the Jewish State, they could get considerable numbers on the land.

The third means was transference. In the light of their experience of the last fifteen years, the Jews estimated that on any given area of land they could, by their scientific methods, enable at least three Jews to earn a livelihood for every one Arab who was displaced. There was some truth in that. Hitherto, Jewish scientific effort--and they had some very able scientific officers--had been concentrated upon a type of cultivation suitable to the plains. Hitherto they had acquired very little land on the hillsides; and the problem of making the hillsides of Palestine more fruitful than they were at present had hardly been tackled. In so far as it had been tackled, it had been by the British agricultural advisers for the purpose of assisting the Arabs to make better use of the land; but admittedly the process was a slow one.

Undoubtedly, the highlands of Palestine had been cultivated in the past. At the present time, the water ran off the bare hillsides and carried with it the detritus that formed every year. If that could be altered by afforestation and terracing, there would be room for a great many more people in the hills, particularly in Galilee, where the hills were well watered, there being the highest rainfall there in the whole of Palestine. It was entirely a question of water conservation and scientific soil conservation.

Mr. Ormsby-Gore thought the Jews were right on that point. Given the concentration of Jewish brains, money and effort, even in a part of Palestine, and given a complete

absence of restrictions, political or otherwise, on Jewish immigration into that part, they could undoubtedly get in a very large number of Jews.

In that connection, however, he would like to take up Mlle. Dannevig's point. The civil and religious rights of the Arab population were guaranteed under the mandate. What those rights were had never been very clearly defined; but he readily appreciated that, even though some specific obligation of that kind would be operative in the Jewish State, it would be fatal to the political, if not also to the economic, success of the Jewish State for the Jews to make a ruthless or over-speedy attempt to get the Arabs in that State out of it. In fact, the rights of the native population, whether guaranteed or not, were, certainly according to British ideas, inherent. They were what in English were called natural rights; and for that very reason, as he had already told the Commission, he did not like talk about compulsory transfer. Mr. Ormsby-Gore believed, as he had said at the previous meeting,^{32/} that quite a number of Arabs, faced with the *fait accompli* of a Jewish State, would seek to leave that State for sentimental reasons rather than remain under a Jewish Government, and would seek to live--he was not sure that they would want to live under a mandatory Power--in an Arab atmosphere under an Arab government with Arab ways of life. There would be, in short, a good deal of voluntary transfer as a result of the operation of political factors, provided always there was a genuine Arab State and a genuine Jewish State.

Further on the question of transfer, as he had already said, the reluctance which the Government and people of Trans-Jordan had hitherto shown to take steps for the economic development of their country had been entirely due to the fear that Trans-Jordan, too, was to be regarded as an area of Jewish settlement. Their attitude was: "We would rather be poorer without Jews than richer with Jews". The Arab dislike of the Jews was fundamental. Once the fear of Jewish settlement in Trans-Jordan was finally disposed of, once Jewish settlement in Trans-Jordan as the advance guard of Jewish aspirations for political power was eliminated, and once the development of Trans-Jordan by and for the Arabs was established, the whole picture would change. Mr. Ormsby-Gore believed there was ground for saying that in Trans-Jordan there was room for the settlement of considerable numbers of people on the land capable of earning a better livelihood than that which they could at present scratch from the hills of Palestine. He therefore believed that, given the requisite political conditions and a final political solution, the problem of Jewish immigration would assume an entirely new aspect.

The Royal Commission, possibly in the light of the conditions it found prevailing in Palestine just after the disturbances and the acute political tension, were inclined to think that Jews would not be allowed to settle in the area proposed for the Arab State or, if they did so, would do so at the peril of their lives. Mr. Ormsby-Gore took a longer view, based upon history. In the past, and certainly in the great days of the Arabs, they had not shown themselves, when they had their own government, to be an intolerant people. It might be that, after centuries under the Turk and more recent experiences, the post-war upsets, uncertainties and frictions, it would take time. But, once a final political settlement of the Palestine problem was achieved, he believed the Arabs would be not unfriendly to the settlement of Jews in the Arab State, provided they were satisfied that settlement was not

the first step towards the extension of Jewish political dominion.

The development of the Negeb Desert, south of Beersheba, would require, owing to the low rainfall, vast expenditure (far beyond the capacity of the Arabs) on water conservation. He saw no reason, provided it was clear that that country, now entirely inhabited by Arabs, remained Arab, why the Arabs should not welcome the assistance--on terms to be decided by themselves and not by the mandatory Power--of the Jews in the development of a part of the country which they could not themselves develop. But the position of any Jews given contractual concessions in that connection would be that of a minority. Everything depended on the future political relations between the Jewish State and the larger, but more backward, Arab State. Once political finality had been arrived at, he thought the present atmosphere of mutual hostility would change; and there was a reasonable hope that, as a result of the change, the relations between Islam and Jewry, which had been good in past centuries, would again improve.

These considerations applied to other Arab States as well as to the Arab State in Palestine. The position of the Jews in Egypt, in Iraq and in Syria had been seriously prejudiced, and was to-day seriously prejudiced, because of the political situation in Palestine. He thought their position would be changed for the better if and when a final settlement of the Palestine problem was attained.

The CHAIRMAN asked if Mr. Ormsby-Gore had really said that there might be some doubt as the exact meaning of the terms "civil and religious rights" which occurred in Article 2 of the mandate.

Mr. ORMSBY-GORE said the mandatory Power had always adopted Mr. Churchill's definition of 1922 and the 1930 definition of "equal weight". These were obviously interpretations; but, apart from them, he did not think there had been any fundamental or authoritative statement by the mandatory Power or the League as to the exact nature of the dual obligation--namely, what was meant exactly by the civil rights of the indigenous inhabitants. The situation was complicated by the fact that those civil rights must be taken in conjunction with the paragraph in Article 22 of the Covenant dealing with Palestine, which stated that those civil rights included the hope of self-government, and not merely the right to possess property, to live and make a living. It might perhaps raise the question which was at the bottom of half the trouble for the Jews in Central Europe--was it, or was it not, a civil right of the Jews, by virtue of their superior ability, virtually to monopolise the higher professions. That question was at the basis of the *numerus clausus* system, the system of limiting the number of Jews allowed to attend the higher schools and universities in Germany and Poland.

The whole problem had to be considered in the light, not only of the spirit, but of the letter, of Article 22 of the Covenant, under which Palestine was declared to be one of those countries in which the mandatory Power provided temporary assistance with a view to ultimate self-government. It was for that reason that so many Arabs and Jews had been taken into the Palestine Administration; it was for that reason that the attempt had been made to establish a Legislative Council; it was for that reason that the United Kingdom

Government had been satisfied that civil rights included political rights, and had accordingly tried to carry on for a long time on the 1930 basis of "equal weight". But to carry on that system indefinitely was bound to provoke reactions.

The Balfour Declaration, in itself a compromise document, was not expressed in definitive political terms. It was a gesture, the expression of a hope then existing that the Jews and Arabs would compose their differences and eventually coalesce into a single commonwealth united in Palestinian citizenship. That evolution had not taken place, and was not likely to take place; and it was therefore necessary to go back to fundamentals. By that he meant that the Balfour Declaration must itself disappear and be replaced, if there was to be peace, progress and good government in Palestine, by a Jewish State in one part of Palestine, an Arab State in the other part, and a special regime for the Holy Places.

The CHAIRMAN had understood that the question put by Mlle. Dannevig had a more limited scope than that attributed to it by Mr. Ormsby-Gore. She was referring to the reference in Article 2 of the mandate to the safeguarding of the civil and religious rights of the non-Jewish population of Palestine; and her question was put in connection with the proposal to transfer the Arab populations to a new Arab State, a transfer which, according to the Royal Commission, might possibly lead to compulsory surrender of immovable property --for example, by means of expropriation. The Chairman understood Mlle. Dannevig's question to be, "was the scheme in conformity with the obligation to safeguard civil rights, in particular, the right of ownership of the Arabs in the area concerned?"

Mlle. DANNEVIG said she had not meant only the protection of property but also the protection of persons.

Mr. ORMSBY-GORE thought that question could best be answered by an approach to the very important question put by the Chairman on the subject of the conditions under which the two States could enter the League. It was obvious that, as part of any Constitution of the Jewish State, not only would there have to be express conditions regarding the treatment of minorities and the protection of civil and religious rights for non-Jewish subjects, but the League must be satisfied that the Jewish State, in the words framed by the Chairman, must possess laws and a judicial organisation which would afford equal and regular justice to all. He could not imagine the League approving of a Jewish State, unless it was satisfied that the Jews would treat the Arab minority in such a way as to guarantee its rights of property. Those guarantees would be an inherent part of the Constitution, without which the State would not be set up or recognised by the League.

Mr. Ormsby-Gore added, for greater clearness, that the mandatory Power had not accepted, and did not now accept, the proposal for compulsory transfer contained in the report of the Royal Commission.

The CHAIRMAN asked if any members wished Mr. Ormsby-Gore to throw further light

on any of the points he had dealt with in his last replies.

M. PALACIOS said he agreed with the accredited representative regarding his interpretation of "civil rights". He only wished to lay stress on certain other statements by Mr. Ormsby-Gore which seemed to him of fundamental importance for forming an opinion on the proposed solution. It seemed clear to all that the mandatory Power thought it impossible to continue to apply the mandate. The facts and reasons on which that decision was based were quite clearly set out in the Royal Commission's report. At one time, M. Palacios had thought that, despite the risk that the Balfour Declaration might disappear at the same time as the existing mandate, a vigorous effort would be made to maintain it; but he had learnt, on the contrary, that there was a question of "annulling" it. It was true that the intention was to substitute for it a Jewish State which, though doubtless small, would be independent. In those circumstances, it was necessary to know what probability there was of ensuring the future peace of Palestine--in so far as it had been found impossible so to do under the terms of the Balfour Declaration--by the creation of a Jewish State which, in addition to the disadvantages of its immediate proximity, would mean a loss of territory for the Arabs. Would it be possible, with the new method, to achieve conciliation and the establishment of harmonious relations?

M. Palacios agreed with Mr. Ormsby-Gore as to the necessity of taking into account the aspirations of the Jews. He agreed with him also that the doors must be opened as wide as possible to emigration from Central and Eastern Europe. He also recognised that Jews and Arabs lived in peace and harmony in countries such as Iraq, Egypt and Syria and indeed also in Palestine itself, particularly before the mandate, and in the Jewish communities that had existed prior to the advent of Zionism. Would the proposed solution strengthen those good relationships? It must not be forgotten that, in view of the smallness of the Jewish State, it would obviously not provide a settlement of the whole problem. Even if it were intended, in peopling that State, to make the utmost possible use of industrial and agricultural scientific resources, not more than two million persons could live there.

On the other hand, would the fundamental problem of the Arabs' opposition to the "Statute" be solved? Was it possible to reconcile with the proposed solution the principle of Arab unity to which such prominence was given in the Royal Commission's report (see, for example, on pages 181 to 184 the suggestion as to the creation of an enlarged Arab Agency) and that of "sovereignty" (the report states on page 394 that "the Arabs must acquiesce in the exclusion from their sovereignty of a piece of territory long occupied and once ruled by them"? If satisfaction were not given to the Arabs on a point which the representative of the mandatory Power himself considered essential--namely, the Statute; a problem that was undoubtedly more important to them than immigration--was there not a danger that the conflict between the two elements would be intensified rather than mitigated, and also that the situation of the Jews would be made worse through the reawakening of anti-Semite or irredentist movements where such movements had never existed or had fortunately disappeared?

Mr. ORMSBY-GORE agreed with M. Palacios that the territory proposed for the Jewish

State was small. With any other people in any other conditions, it might *prima facie* be said that the territory was so small as to amount to very little. But, small as the territory might be, they had to recognise what the Jewish people were. Scattered throughout the world, they were a people with immense financial resources, a people with a remarkable intensity of purpose, a people who for generations had been intensively educated and had shown remarkable skill in economic activities of every kind. More important than all, every Jew throughout the world had an interest in Palestine.

There was no analogy therefore with the case of British migration to Canada or to Australia. The Jews were a homeless wandering people, seeking to leave some of the countries in which they now dwelt, and concentrating their minds and their eyes towards the fullest intensification of their development in Palestine. Parallels with what had happened elsewhere, and at other times, in history would not help very much. He was confident that, given a Jewish State, there would be most intense endeavour inside that State, however small it might be, and a very large increase in the Jewish population.

Mr. Ormsby-Gore entirely agreed with M. Palacios that the fundamental question was that of status. That was more important than anything else. It was the dream of the Jews--the same dream that they had had in the days of Cyrus, when they were in exile in Babylon--to get back to Palestine and to found once again, not merely a National Home, but a Jewish State. They wished to be, not a minority, but a majority in that State, and to show that, in addition to providing other countries, such as Great Britain, with able administrators, Governors and the like, they could also do the same for themselves. Therefore, from the Jewish point of view, status was all important.

Equally, from the Arab point of view, status was all important. What was the feeling of Arabs throughout the Arab world? Why had they risen against the Turks in the war? It was because they desired to re-create their independence. They believed in their past and in their future as a race and as a civilisation. Therefore, they concentrated on status. He did not think the Arabs would like being the subjects of any mandatory Power, with or without the Jews. From time to time, Trans-Jordan sought to emancipate itself from the mandatory system. Syria was on the point of being emancipated. Iraq had been emancipated. Egypt, not strictly an Arab State, but an Arabic-speaking State, was now a Member of the League. It was the dream of every Arab to have independence.

M. Palacios' next question was whether the little Jewish State would be a focus of irredentist ideas among the Arabs. Would they desire to extinguish the Jewish State once it was set up? Mr. Ormsby-Gore did not think they would. He believed that the Arabs realised in their heart of hearts, though they would not admit it, that the pressure of Jewry throughout the world on Palestine was such that, quite apart from any question of international right, the Arabs would inevitably have to deal with the facts as they existed at the present time, and recognise that the Jews would never give up their hope to found a State in Palestine. Consequently, he thought that the Arabs would make the best of what from their point of view might be a bad job, and would settle down to work together. But they would not work together now under a Mandatory.

He believed that in the early years, quite apart from British responsibility for the Holy Places, and for her continuing responsibilities as a mandatory Power in Palestine, the United Kingdom would have to have sufficient force in Palestine to make the treaties with the new States effective. But above all, there would have to be the definite acceptance by the League of Nations as a whole of the plan as a final settlement. If all the countries in the League of Nations accepted it as a final settlement, he believed that final settlement could be assured.

M. Palacios had referred to what he called the disappearance of the Balfour Declaration. What, after all, was the Balfour Declaration? Was it not a series of sentences, a declaration, designed to make a beginning and not an end? Was it not a declaration, made in special circumstances, of a policy that was to begin? The Balfour Declaration in itself was not a final settlement or a final solution. In His Majesty's Government's view, the mere fact that the Royal Commission had reported as it had done, giving prominence to the possibility of a Jewish State at an early date, transformed the Balfour Declaration from a Declaration regarding the beginning of a policy into a policy of which they could see the end--namely, the establishment of an independent sovereign Jewish State. That, certainly, was the conception in Lord Balfour's mind--it was challenged by others, it is true--at the time--and the Balfour Declaration was the reflection of that conception as far as it could then be carried.

Mlle. DANNEVIG said that, having listened to the eloquent and optimistic statement of Mr. Ormsby-Gore, she wished she could share his optimistic views of what would happen after the political difficulties had been overcome by the partition scheme: but some years previously, she had listened to an equally optimistic statement by the accredited representative regarding the protection of the minorities in Iraq, when the question of the emancipation of that territory was discussed at the twenty-first session of the Mandates Commission.

She had one small question to ask. Was there any hope that Arabs would wish to leave the Jewish State, where they would have a better chance of livelihood than as settlers in a poor country, which would have to be developed with all the toil and difficulty which fell to the lot of settlers in new countries?

Mr. ORMSBY-GORE said that, if he had been over-optimistic, he was only giving his opinion. Perhaps he was wrong. He had given the reasons for his opinion and must leave it at that. He could not prophesy: he could not give guarantees.

With regard to the transfer question, nothing was more remarkable in the history of the last few years in Palestine than the complete confounding of all those who took what might be called the economic interpretation of history. Undoubtedly, Jews had poured millions of money into Palestine. They had benefited not only themselves but the Arabs economically; and yet, in spite of the Arabs having better economic conditions than they had ever had before, their intensity of hostile feeling had increased rather than diminished. As he had said before, the Arabs would rather be poor without the Jews than rich with them. He had always taken the view that men sacrificed their lives and rose in

rebellion and engaged in war, not for economic reasons but for reasons of race, of sentiment, of religion, and that those passions in the human heart were far more powerful than economic interests. They always had been, and always would be. Men aspired to political liberty, to freedom, to the development of their own civilisation, to the conservation of their position in the world; and they fought for those things, and not for a better material life.

That was the fundamental fact in Palestine to-day.

As to transfer, Mr. Ormsby-Gore quite agreed that, if it were a case of moving the Arabs long distances to a strange country, transfer would indeed be difficult. But these people had not hitherto regarded themselves as "Palestinians", but as part of Syria as a whole, as part of the Arab world. They would be going literally only a comparatively few miles away to a people with the same language, the same civilisation, the same religion; and therefore the problem of transfer geographically and practically was easier even than the interchanges of Greeks and Turks between Asia Minor and the Balkans. He was quite satisfied that not all the Arabs would wish to leave the Jewish State: some would realise that they would have opportunities in the Jewish State. But that some would want to leave on grounds of sentiment, he equally had no doubt; and, if homesteads were provided and land was prepared for their reception not too far from their existing homes, he was confident that many would make use of that opportunity. It would be one of the first duties of the mandatory Power, if the League approved of its proceeding with that plan, to make an intensive survey of Trans-Jordan with a view to ascertaining how much it would cost, and where such homesteads could be provided.

M. RAPPARD said he had listened with great satisfaction, but with no surprise, to Mr. Ormsby-Gore's eloquence, which he had had opportunities of admiring at other places at the League, and which went far to explain the electoral fidelity of Mr. Ormsby-Gore's constituency! But, if he might be allowed to do so, he would like to elicit from Mr. Ormsby-Gore some, perhaps less eloquent, but more precise, answers to a specific question which struck him as of the utmost importance in connection with the duty which the Mandates Commission had before it.

The Commission had been told that the mandate had become unworkable mainly because the majority of the population objected to what the Royal Commission had declared to be its primary purpose. The Mandates Commission was now told that the Balfour Declaration must also go, and that in the place of the past regime a Jewish State was to be set up, if the League, with its political and moral force, should entrust the mandatory Power with the task of establishing such a Jewish State. The moral and political force of a decision by the League to that effect depended, he imagined, on its being unanimous. But there were several Moslem Members of the League, of which one already declared that it was absolutely opposed to the establishment of a Jewish State. Furthermore, Turkey was represented on the Council of the League. So that, if there was one thing that could be looked upon as practically certain, it was that there would be disagreement.

Moreover, if it were now publicly stated that the Balfour Declaration was dead or

moribund, the Arabs of Palestine would turn to the mandatory Power and say: "But then, why are you molesting us, either by establishing a National Home in Palestine or by attempting to set up a Jewish State in a part of Palestine?" The only answer, as far as M. Rappard could make out, which the mandatory Power had given to those very natural protests in the pact was: "We are bound by the Balfour Declaration". If now the Balfour Declaration were no longer binding, the only possible justification for either the mandate or a Jewish State disappeared.

M. Rappard's question, therefore, was this: What under these circumstances were those "obligations" of which the Royal Commission spoke, to which any solution, to be acceptable, must conform? What was the "justice due to the Jews"? (He was again quoting the Royal Commission's report, page 380, paragraph 3.) He thought that nothing could be more dangerous at the present stage, before the Jewish State had been set up, than the publication of statements which might lead to a breakdown of any scheme of adjustment of rival claims in Palestine. He would be very grateful if Mr. Ormsby-Gore could reassure him, because he must say that he was rather terrified by what he had heard that morning.

Mr. ORMSBY-GORE thought M. Rappard had misunderstood him. He had certainly had no intention of conveying the impression that the Balfour Declaration was not still a binding obligation on both the League and the United Kingdom. Obviously, like the mandate, it was still a binding obligation, and would remain so until replaced by an independent Jewish State. It was only if the suggested plan of partition were accepted, and eventuated in the creation of a Jewish State, that the Balfour Declaration would reach its fruition and cease to be binding. Similarly, the mandate was binding until it was replaced by another regime in Palestine.

He hoped the members of the Mandates Commission would not think the United Kingdom was attempting to hasten the pace. Partition was obviously going to be a long and difficult process. It was true that at the moment Iraq was opposed. Iraq had not yet been heard in the Assembly. Obviously, before the scheme could reach its final fruition, it would be necessary for the Assembly to approve by the necessary majority the admission of the Jewish and Arab States. The Jews would have nothing to do with the idea of a Jewish State, unless and until it was recognised as a really independent sovereign State Member of the League. Until that point was reached, the Balfour Declaration and the mandate remained in force.

As to the Council, Turkey had not declared its views. It would obviously be a matter for early consideration and decision by the Council as to whether the mandatory Power should negotiate with both Jews and Arabs with a view to providing the League with a definite scheme on those lines. If the Council did not unanimously agree on that, the whole scheme--and, with it, all that it had been hoped to obtain on the basis of the Royal Commission's report and the mandatory Power's present policy--fell to the ground, and an attempt would have to be made to find some other inferior solution.

The mandatory Power's present view was that partition was the best and most hopeful

solution. It did not say there was no other solution, but only that it could think of no other solution with the supreme merit of eliminating the whole series of ambiguities which, operating in both Arab and Jewish minds, had resulted in a sad tale of loss of life, unrest, setbacks and disappointments.

M. RAPPARD was much obliged to the accredited representative for his statement. It had completely cleared up the misunderstanding, of which he had been the victim.

Could Mr. Ormsby-Gore now see his way to reply specifically to his third question, which was as follows:

"In discussing the solutions entailing a modification of the present mandate, the Royal Commission states that they must 'conform to our obligations' and 'do justice to the Arabs and the Jews' (Chapter XXII, paragraph 3, page 380). Further, the Royal Commission speaks of the 'spirit of our obligations' (Chapter XXII, paragraph 18, page 383). The accredited representative has also stated that a solution to be acceptable must be in accordance with 'the spirit of the Covenant and of the Balfour Declaration'. In view of the exceptional importance of these statements, which may be taken as defining the limits within which alone the Mandates Commission may consider any of the proposed solutions, it would be grateful for a more precise definition of these limits."

Would it be a fair statement of Mr. Ormsby-Gore's view to say that the solution, to be acceptable, must conform to the justice due to the Arabs and to the Jews, which the mandate was intended to embody?

Mr. ORMSBY-GORE replied in the affirmative. All his arguments were designed to support the view that a scheme of partition on the present lines would do justice equally to the mandatory Power's obligations to the Arabs, and to the Jews. The fundamental Article 22 of the Covenant and the intention of the Balfour Declaration must be carried out. He was sure that those were the limits within which a solution must be found.

M. RAPPARD thanked Mr. Ormsby-Gore for his statement.

The CHAIRMAN asked Mr. Ormsby-Gore whether he now wished to answer his last question. It was as follows:

"According to the Statement of Policy (Cmd. 5513), the United Kingdom Government is supporting the solution of the Palestine problem by partition. In other words, it has declared in favour of the creation of an independent Jewish State in the fullest sense, and of the recognition of the complete independence of a Trans-Jordan State to include the greater part of Palestine.

"Before taking up this position, the United Kingdom Government has doubtless not failed to consider whether either or both of these States arising out of the mandate would fulfil the conditions laid down by the

Council as conditions precedent to the termination of the mandate in a territory placed under that regime.

"I should be glad if Mr. Ormsby-Gore would be good enough to give some account of the reasons which have led to the conclusion that the new Jewish State and Trans- Jordan would fulfil all of these conditions as set out in the report of the Mandates Commission on the work of its twentieth session."^{33/}

Mr. ORMSBY-GORE said that the question to which the Chairman had referred invited him to express an opinion as to whether either or both of the proposed States could fulfil the conditions which had been laid down as conditions precedent to the termination of the mandate. He had no reason to doubt that those conditions could be satisfied by both States. He was quite confident that the Jews would be able to establish a settled government and an administration capable of maintaining the regular operation of essential Government services. The question was, of course, more debatable in connection with the Arab State. But although the Arabs who had co-operated as officials in the Government of Palestine had admittedly never liked the policy, they had shown themselves quite capable officials who could carry on the work of administration. In fact, the actual regime in Trans-Jordan, as the Mandates Commission had heard before, had actually developed in that country something very like an Arab State. Again, it was impossible to argue that the Arabs were capable of self-government in Lebanon, Syria, Peninsular Arabia and Iraq, and at the same time to say that they were not capable of self-government in Palestine.

Obviously, before the Arab State of Palestine-Trans-Jordan could apply to the League for admission, it would have to make out a case to the Assembly. Its weak point would probably be that of finance, but until it was known what the Arab State was to include--for instance, whether it was to get the revenues of the port of Jaffa, whether it was to be granted free access through the port of Haifa, and whether it would have the taxable capacity to support a Government without subvention from the United Kingdom--it could not be known whether it would be financially sound. That could only be determined by an *ad hoc* Financial Commission; and such a commission could not be set up or function, until the geographical basis of the settlement was known.

The steps in the process, as Mr. Ormsby-Gore saw them, would be these. First, the Mandates Commission and the Council would have to decide whether the mandatory Power had the right to explore the proposed solution. After that would come negotiations for a geographical settlement of the three proposed divisions. It was only after the boundaries had been settled that further steps could be taken, such as the possible establishment of provisional Governments still controlled by the mandatory Power, followed by fact-finding commissions dealing with problems of finance, Customs and the like. After those commissions had reported, a definite scheme could be arrived at for submission first to the Council and ultimately to the Assembly of the League. It was too early to pronounce on the question as to how far the proposed two States would satisfy the obviously desirable and necessary conditions to enable them to be recognised as qualifying for membership of the League.

Mr. Ormsby-Gore added that he knew His Majesty's Government in the United Kingdom was quite satisfied that the scheme would involve the termination of any grant by the British taxpayer to Trans-Jordan. It felt that, in view of the nature of the problem to be dealt with, there would have to be one final capital grant in place of the continuing grant. No doubt here would be conditions as to how that grant should be expended, on development and the like: but it was clear that subventions from the British taxpayer must end before either of the States could be entitled to apply for membership of the League.

Moreover, he ought to add that undoubtedly the League, if and when it reached the final solution which the United Kingdom Government contemplated, would be faced with the problem of inter-State relations along the eastern shore of the Mediterranean from the frontier of Turkey to the frontier of Egypt. If the French proposals and the British proposals went through, there would be six separate regimes along that coast. There would be the State of Syria, the State of Lebanon, the special regime in Alexandretta, a Jewish State, an Arab State and a special area under permanent British mandatory control, with additional enclaves. Obviously that was a political complex involving fiscal, economic and political considerations which the League would have to envisage. The map might have to be looked at as a whole, and the resultant conclusions might have to be drawn. Some of these arrangements might have to be temporary, while others were of a permanent character. But, in Mr. Ormsby-Gore's view, that final stage was at least three years off. It need not be dealt with at the present time.

The CHAIRMAN said that, while he would not revert to the various general conditions laid down by the Council in 1930 which would have to be fulfilled before a mandate could be terminated, he wished to submit certain observations on the statements made by the accredited representative.

In the first place, as regards Trans-Jordan--not to speak of the Jewish State, which still had to be created from the beginning--it was not certain that the actual position of the country was such as to warrant the assumption that it had reached a stage of development at which it was capable of self-government. Trans-Jordan did not seem to be already in possession of "a properly constituted Government and an administration capable of ensuring the regular operation of the essential Government services" without the assistance of a Mandatory.

It was hoped that the time would come when that country would be in possession of "financial resources sufficient to enable it to meet the normal needs of the State". That was what was hoped, but it was far from certain, and at all events it was not the case at present. But a country which was obliged to have regular recourse to subsidies from another country in order to meet normal administrative expenditure was not independent; in general, such assistance was not granted unconditionally or without some control over the use made of the sums lent.

With regard to the Jewish State, the Chairman was by no means convinced that, within the general limits indicated by the Royal Commission and with the servitudes with which

it would be burdened, that State would be "capable of maintaining its territorial integrity and political independence", even if the former Mandatory became its ally. Moreover, in view of the political inexperience of the majority of the elements of which its population would be formed, it had by no means been shown that the Jewish State would be capable of governing itself at once, in view of the considerable difficulties that it would have to surmount at the outset.

It appeared from what the accredited representative had said that the existing mandatory regime was doomed; but it was also clear that the solution proposed by the mandatory Power in place of the mandate could by no means be regarded with certainty as capable of being put into practical effect. In that respect, matters were still purely hypothetical. Thus, the plan outlined by the mandatory Power could only leave an impression of perplexity.

In order to prevent misunderstanding, the Chairman said that the observations he had made represented his own personal opinion. He had not spoken on behalf of the Commission, and he did not know what the views of his colleagues were.

Mr. ORMSBY-GORE said that certainty was not possible in connection with any great political change. It was the duty of statesmen, as distinct from administrators, to make changes in administrative systems, where desirable change was indicated. One could work only on probabilities and possibilities. He fully realised that with a document such as the mandate, there was some firm ground, and that the open, uncharted sea which he had ventured to suggest should be charted and explored could not, especially under present circumstances, be a *terra firma* like the mandate, if that could any longer be regarded as a *terra firma*.

One word about the Chairman's doubts concerning the Jews. The Mandates Commission had already heard some remarks about the Va'ad Leumi and the work of the Jewish Agency in Palestine. He thought Mr. Hall would bear him out that those bodies had shown remarkable administrative capacity. It might be that some of the Jewish refugees recently come from Eastern Europe had not had the opportunities in their recent past for developing the arts of government; but the Mandates Commission knew the Jews as well as he did, and it was to his mind inconceivable that the Jews should be incapable of running an administration or a government. They would have their internal frictions, their parties. They were tremendous people for making speeches and for engaging in propaganda and the like: but that, when they had a State to run which realised their dream of centuries, they would fail in running it, he had no reason to suppose. That they had men already in Palestine of great capacity he had no doubt.

The Arab world was a difficult world. The Arabs were a difficult people. Both the Jews and the Arabs were two very difficult peoples for anybody else to govern. The Turks had not found them easy. They were not very easy for anybody, even of their own kind, to govern. That there would be no more difficulties, Mr. Ormsby-Gore did not, of course, pretend. That would be ultra-optimistic indeed! All his Government said was that it had tried and done its best under the mandate, and what were the results? The Jews bitterly

complained of the mandatory Power, in season and out of season, not merely in the previous year but in every year. Whatever the composition of the United Kingdom Government or of the Administration in Palestine, the record was one of unending complaint on the part of the Jews, while on the part of the Arabs it was a case of gradually but steadily increasing hostility from the very beginning, culminating in the events of the previous year.

The idea that it would be open to the United Kingdom or any other Power to carry on the existing mandate was an idea in which he hoped the Mandates Commission would not take refuge. He said frankly, not speaking for himself but speaking on behalf of the United Kingdom Government, that the prospects of carrying on indefinitely on the terms of the existing mandate seemed to His Majesty's Government to be a commitment involving repression, involving continual friction and hostility between each of the two races on the one hand and the Administration on the other, as well as between the two races themselves, in a manner which could not inure to the advantage of any one of the three parties concerned--or, for that matter, to the credit of the mandate system or of the League itself.

Mr. Ormsby-Gore was satisfied that a new solution--a political solution, as he had described it--of the problem of Palestine must be explored in the interests of the future peace of Palestine and, further, in the wider interest of the future relations between the Jews and the world of Islam, for the benefit of the suffering Jews in Europe as well as for the benefit of the peace of the world. It was in the light of these broad political considerations that he came before the Mandates Commission, not as an administrator, but quite frankly as a politician, to say that, in his opinion, and in the opinion of His Majesty's Government in the United Kingdom, it was essential that a solution of what they regarded quite definitely as a deadlock should be explored.

TWENTY-THIRD MEETING.
Held on Friday, August 13th, 1937, at 3.30 p.m.

Palestine: Replies by Mr. Ormsby-Gore to the Supplementary Questions put in Writing by the Members of the Mandates Commission (continuation).

Mr. Ormsby-Gore and Mr. Hall, came to the table of the Commission.

PLAN OF PARTITION OF THE TERRITORY (*continuation*): ARAB-BRITISH RELATIONS: JEWISH IMMIGRATION (*continuation*): QUESTION OF THE DEVELOPMENT OF SELF-GOVERNING INSTITUTIONS: CANTONISATION: QUESTION OF THE NEGOTIATION OF TREATIES IN CONNECTION WITH THE

TWO NEW STATES: TRANSFER OF POPULATIONS (*continuation*):
PETITIONS(*continuation*).

M. RAPPARD asked the following question:

"The scheme of partition as outlined by the Royal Commission provides for treaties and conventions with 'the Government of Trans-Jordan and representatives of the Arabs of Palestine' (Chapter XXII, paragraphs 4 *et seq.*, pages 381 *et seq.*). Moreover, the Royal Commission declares that the traditional friendship of the mandatory Power with the Arabs should not be impaired' (Chapter XX, paragraph 17, page 374).

"On the other hand, the Mandates Commission has received several petitions from Palestine Arabs expressly and emphatically repudiating, not only the mandate and the Balfour Declaration, but also any scheme of partition.

"If the authors of these petitions are not to be held to represent the main body of Palestine Arabs, are there any other representatives with whom the mandatory Power could and would engage conversations?"

"If not, are these petitions susceptible of modifying its expressed views?"

"If not, does the mandatory Power consider that any scheme of partition not based on British-Arab convention is practicable and compatible with the above-mentioned friendship?"

At the Commission's previous meeting,^{34/} Mr. Ormsby-Gore had said that the scheme of partition was conditioned by the moral and political support of the League, a unanimous decision of the Council and a two-thirds majority of the Assembly, as regarded the later admission to membership of the two proposed States. Was it another condition that the Arabs, or at least some representative group of Arabs, whose co-operation was indispensable in view of the treaties to be concluded, should accept the solution in such a spirit that it would not impair British-Arab friendship?

M. Rappard hoped that the accredited representative would not think that the Mandates Commission was trying to create difficulties, for it was endeavouring to overcome them. When the Commission was asked to express its view of possible solutions, it must know exactly the attitude of the mandatory Power, for if solutions were put forward only under such conditions as there was every reason to believe, in the present state of affairs, would not be realised, there was not much use in discussing the advantages and disadvantages of such solutions. The members of the Commission had been told in emphatic terms by what M. Rappard had been informed were representative groups of Arabs that they would not consider partition. In fact, the only more or less encouraging assurance that it had received so far was that some Arabs would, if not welcome the scheme, accept it. The reference was to the Emir of Trans-Jordan, who, of course, was in a special position, in that the scheme would mean an increase of his domains, and, secondly, in that his foreign relations were in the hands of the mandatory Power. If that were the only basis for

supposing that there were Arabs who welcomed the plan, it struck M. Rappard as being very fragile.

Mr. ORMSBY-GORE wished to draw a very clear distinction between welcoming and accepting. He did not think that any Jews or any Arabs could at present be expected to welcome partition. After all, they had each hoped to govern the whole country. Mr. Ormsby-Gore had always taken the view that any attempt to rush the working-out of any scheme of partition was likely to have disadvantages outweighing the advantages. It was only when both Arabs and Jews realised that the mandatory Power was determined in its policy and that it had the backing of the League of Nations that they would come to consider whether the advantages of partition did not outweigh the disadvantages from the point of view of both sides.

He had told the Commission early in its proceedings 35/ that he was quite sure that it was extremely difficult for any Jewish or any Arab leader to come out in favour either of the illustrative scheme of partition or any other scheme of partition at this stage. In the light of the events of 1936 and all that had led up to them, it was obviously difficult for either side to recede as it were from the position which it had always taken up.

Undoubtedly, on the first appearance of the Royal Commission's report there seemed to be a considerable amount of Arab support for the idea, more in fact, among the Arabs than among the Jews in Palestine. Then two things had happened. In the first place, there had been a loud outcry by the Jews against partition which led the Arabs to think that if the Jews did not want it, neither did they, and that if the Jews did not want it, there was a chance that Great Britain would drop the scheme. However, that event had probably had less important consequences than the intervention of Iraq, which, he told the Mandates Commission quite frankly, his Government had never expected would be so categorical. That intervention had certainly made the Arabs in Palestine think that they would have the support of Arabs outside if they stood firm against partition.

As to the future, he could not prophesy, but the more he and the more other people, including Arabs and Jews, had reflected on the inevitable consequences of a failure of a scheme on those general lines, the more they realised that, bad as that consequence would be for Great Britain, it would be very bad and would mean endless trouble for both Jews and Arabs. The Arabs might think that, if they persisted in their opposition, the British public and the League would relent, but Mr. Ormsby-Gore doubted it. He could not help thinking that the time would come when both sides would be ready to accept what he believed they would eventually realise was the most hopeful solution. But it was too early to prophesy. He would have been very surprised if the petitions had been worded differently. Neither side could be expected to welcome the plan of partition, but he believed that, in the long run, both sides would see sufficient advantages in it to accept it.

As to the quotation from the Royal Commission's report regarding Arab-British friendship at the moment, events in Palestine had very seriously prejudiced that friendship throughout the Arab world, and relations between the Arabs and Great Britain were very different from what they were at the end of the war. He had said in the House

of Commons that he still believed that the Arabs would realise that they did owe Great Britain a debt, and that there were many thousand British graves in Iraq and in Palestine but for which the Arabs would be still under Turkish rule. It was because Great Britain had taken possibly over-optimistic chances that Iraq was now a State Member of the League. His Majesty's Government did not regret the part it had played in that respect; it thought it had been right. In addition, there had been many notable British travellers-- Burton, Doughty, Palgrave--who had taken an interest in the Arabs, had sympathised with them and cherished hopes for their future. All those things ought to count, but at the moment, because of Palestine, the position of Great Britain throughout the Arab world was very seriously prejudiced. Possibly the word "condition" was not a very good word to use, but he thought it was desirable, in the interest of relations between East and West and not merely in Great Britain's interest, that that traditional friendship should be revived if at all possible.

Arabia was the historic, cultural and religious centre of Islam. When speaking recently in the House of Commons on the Palestine problem, Mr. Ormsby-Gore had said that it raised not only the issue between all Jewry and all Islam, but also the question of the whole relation between the Occident and the Orient, Arabia and the Eastern Mediterranean being the inevitable historical and geographical bridge between the Orient and the Occident. It was therefore desirable, in the interests of world peace and of the relations between the Occident and the Orient, not only that France and Syria should be on good terms, but that Great Britain and the Arab world should be on good terms, regarding the question from the widest possible point of view. A settlement of the Palestine question, not welcome but acceptable to Arabs and Jews, not only in Palestine but throughout the world of Jewry, and throughout the Arab world, was, therefore, in the interests of the peace, harmony and good government of the world. To put it on the highest plane, on this question of Palestine--a country with a unique name, a unique history and a unique position--failure to achieve a political solution which would not make things worse in the world, and which might make things better, was a prospect which it was the duty of statesmanship to avoid.

Mr. Ormsby-Gore's view was that the evolution of the mandate for Palestine into two independent States was the event most likely to consummate the ideals and the policy which were in the interests, not only of Arabs and Jews, but also of the world at large.

M. RAPPARD regretted that he could not regard Mr. Ormsby-Gore's reply as completely satisfactory. It was, he agreed, a most significant and unchallengeable fact that Arab-British friendship was desirable from every point of view, and he had no wish to minimise its importance. His question was: Would Great Britain, if supported by the League, proceed with partition even if it tended further to strain that very desirable Arab-British friendship?

Mr. Ormsby-Gore had mentioned two events which had occurred since the United Kingdom Government's policy had been outlined. The first was that the Arabs, who at first seemed not disinclined to submit to the policy, had protested because the Jews had protested. M. Rappard would have expected rather that it would have been the other way

round. On the other hand, the Jews, after first protesting, were now rather inclined to accept, which he again would have thought would have been a reason for the Arabs to protest. The second event was the attitude of Iraq. M. Rappard had always wondered whether the extremely conciliatory spirit which imbued the declarations of the accredited representative tended to make conciliation easier or more difficult. If Great Britain were to announce that she had a considered policy, which, if supported by the League, she would enforce at any cost, he imagined that the Arabs, while they could not be expected to welcome the proposal, would prove more amenable than if they were left in doubt by statements about the value of Arab-British friendship and Great Britain's unwillingness to do anything to prejudice it further. The latter policy would give Arab agitators the impression that the more violent they were the less chance there would be of Great Britain proceeding with her plan. He wondered, therefore, whether the admirable and humane policy of extreme conciliation was likely in fact to facilitate an agreed solution.

Mr. ORMSBY-GORE appreciated M. Rappard's idea that a forcible declaration of policy should be made by Great Britain. What deterred him from making any such declaration was the fact that Palestine was not a British possession, but a territory administered on behalf of the League. It would, in his view, be most improper for the mandatory Power to tell the Arabs, the Jews and the world in general that it proposed to adopt a certain policy and to carry it through before the League had had a free opportunity of expressing its views.

A little earlier M. Rappard had challenged Mr. Ormsby-Gore's use of the words "the spirit of the Covenant".^{36/} In a big political matter like the Palestine problem, Mr. Ormsby-Gore understood the spirit of the Covenant, and the whole conception of the League, to be that, before there was any talk of coercion and still more before any sanctions were threatened, argument, persuasion and conciliation should be used to the full. He was therefore not prepared at this stage to adopt the tactics suggested by M. Rappard even with the qualification "if the League approves". He believed that what M. Rappard called humane tactics were, in the long run, not only right in themselves but more likely to succeed. It was more in consonance with League ideas--and incidentally British ideas--to proceed step by step, to obtain the maximum possible goodwill before talking of carrying things through with a high hand even if that should prove necessary in the long run.

He was quite sure that it would be wrong for the United Kingdom Government, within a few weeks of such a revolutionary proposal as that made by the Royal Commission, to refuse to consider any alternatives and insist on the application of the Royal Commission's plan. The kind of approach which he had been suggesting during the last few days was, he thought, the wisest approach; people should not be rushed into conclusions of that sort. Any attempt to use "the big stick" would only cause more trouble and would be less likely to promote the aims which all had at heart than if a policy of conciliation and argument were adopted.

The CHAIRMAN observed that, at the previous meeting,^{37/} Mr. Ormsby-Gore had said incidentally that the mandate would continue so long as no other solution was found. It

was inconceivable that, during the transition period between the present regime and the institution of a new regime, Palestine should be administered entirely at the pleasure of the former Mandatory. If the mandate disappeared before the adoption of some other international charter, Great Britain would have lost the title whereby it administered Palestine.

If the mandate continued, even as a transitional measure, it continued with all its obligations.

In that connection, the Chairman wished to submit to the accredited representatives for consideration a suggestion which had been put forward in Jewish circles. It had been said in these circles: "The mandate is, it is true, continuing, but the fact that Jewish immigration is already being reduced to a thousand immigrants per month, regardless of the economic absorptive capacity of the country, and therefore on the basis of another criterion which is probably a political one, is contrary to the mandate."

The argument was as follows: On July 1st, 1922, the United Kingdom Government had communicated to the Council of the League of Nations the Churchill White Paper and all the correspondence attached thereto. That document, which for the first time put forward the idea that Jewish immigration should be based on the economic absorptive capacity of the country, was the basis, according to those who maintained this view, on which the Council of the League of Nations had established the mandate, which it had actually approved on July 24th--that was to say, three weeks later. They concluded from that that the principle that immigration should be measured by the economic absorptive capacity of the country, although not expressly contained in the mandate, was nevertheless one of the foundations of the mandate.

What was the accredited representative's view of the matter?

Mr. ORMSBY-GORE said that the words of the Churchill White Paper of 1922 in regard to Jewish immigration were:

"This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden on the people of Palestine as a whole and that they should not deprive any section of the present population of their employment."

That meant that the economic absorptive capacity of the country, judged by the effect upon the existing population in relation to employment, should be the upper limit of immigration. He agreed that the MacDonald letter of 1930, qualifying the Labour Government White Paper, used some phrase to the effect that it should be the only consideration.

The phrase "economic absorptive capacity" was one of those fine-sounding phrases which tended to make people believe that they need not think any more. Yet the translation of "economic absorptive capacity", twice a year, into actual figures had

always been an extremely difficult task. In discussing the matter with Jews, he had often pointed to an example in England of the kind of difficulty which the phrase presented to his mind. Glamorganshire used to be one of the richest parts of the United Kingdom. It still possessed vast resources in coal, etc., but the economic absorptive capacity of Glamorgan to-day was nil. It was one of the worst depressed areas. On the other hand, Middlesex had probably the highest economic absorptive capacity of any part of Great Britain. It was difficult to say why; partly, no doubt, it was due to the migration of capital and new industries to the outskirts of London.

The economic absorptive capacity of Palestine, which under present arrangements had to be re-assessed every six months, had to take into account literally individual cases of prospective employment. It had to take into account the numbers of Jews and Arabs employed in different occupations and the likelihood of those occupations expanding during the next six months. Mr. Ormsby-Gore could assure the Commission that the problem of the fair, right and just assessment each year, or twice a year as at present, of Jewish immigration was the most difficult administrative problem which the administration in Palestine had to face, and undoubtedly it had given the Jews the excuse for constant complaints of the mandatory Power's attitude. They liked the phrase "economic absorptive capacity", but they hated its practice. If there was not going to be an independent Jewish State, it would, in Mr. Ormsby-Gore's opinion, be essential to examine in detail whether the practice which had grown up in the course of years was fair to Jews and to Arabs and whether it should be continued in future.

The present was what might be called an interim or transitional period. No one knew whether the policy of partition would go through or not. The Government had not yet adopted the Royal Commission's suggestion that there should be an upper limit of 12,000 a year for five years. The only decision the Government had taken was that for the nine months beginning August 1st last, the figure should be 8,000. That interim decision had been taken in view of the fact that the immigration period, based on the sole criterion of economic absorptive capacity, terminated on July 31st. The decision held good only until March next; he could not say what decision would be taken after that time, for the Government had not considered the matter.

Speaking in the House of Lords, the Under-Secretary of State for the Colonies, Lord Dufferin, had said that it was an arbitrary decision, taken to cover the period while the whole situation was being examined. Mr. Ormsby-Gore hoped that by the following March the prospects of a political solution would be more definite.

If it became perfectly clear that the mandate was to continue unaltered indefinitely, this question, which next to that of status, was the most burning question dividing the Jews and Arabs of Palestine and making the government of Palestine difficult, would have to be examined *au fond*. On page 393 of its report, the Royal Commission, in dealing with its proposals for partition said:

"Instead of the political 'high-level' recommended in Chapter X, paragraph 97, there should be a territorial restriction on Jewish immigration. No Jewish immigration into the Arab area should be

permitted. Since it would therefore not affect the Arab Area and since the Jewish State would soon become responsible for its results, the volume of Jewish immigration should be determined by the economic absorptive capacity of Palestine less the Arab Area."

For two reasons, the Government had not adopted that proposal forthwith. First, not knowing what the area of the Jewish State was to be it could not assess its economic absorptive capacity. Secondly, its economic absorptive capacity, under a Jewish Government, free from mandatory conditions and limitations, might be very different from its economic absorptive capacity under the mandate as it had been interpreted during past years. The Government had calculated that the present economic absorptive capacity of the area of the Jewish State, following immediately on the disturbances and general strike of the previous year, even taking the proposed map as a provisional basis of assessment, would give a figure of less than 8,000 for the nine months. In all the circumstances, however, the Government had felt it only fair to take the whole of Palestine west of the Jordan as the basis for assessing the economic absorptive capacity, and had accordingly adopted the provisional figure of 8,000 for the first nine months. If on examination during that period the economic absorptive capacity of the country as a whole were less than 8,000, that figure would have to be cut down.

Mr. Ormsby-Gore concluded by saying that, in the event of a continuation of the mandate, there were a great many points in Part II of the Royal Commission's report on which consultation would have to be held not merely with the Jews, but between the mandatory Power and the Mandates Commission, before they were finally adopted. It was only because the Government felt that it would be driven back to Part II (the continuance of the mandate), failing the adoption of a broad political solution, that Mr. Ormsby-Gore had not brought before the Commission on the present occasion many of the proposals contained in Part II and the reasons for them.

Mr. RAPPARD pointed out that the mandate spoke of facilitating immigration. It had been found--and M. Rappard thought that everybody felt it to be reasonable--that that provision should be limited by the absorptive capacity. He admitted that "absorptive capacity" was an extraordinarily facile phrase which it was very difficult to interpret, especially in the present case, where immigration might very often increase the absorptive capacity, as it was immigration of capital as well as of labour. Admittedly, the phrase was elastic, but it described the policy that was inherent in the mandate.

The Royal Commission now recommended a new policy in the event of the mandate continuing. It was an entirely different policy, one which must be considered as entailing a modification of the mandate. It was somewhat of a contradiction in terms for the Royal Commission to say that, if the mandate was to continue, that change should be made in it, because it would mean not the continuance of the present mandate, but the introduction of an amended mandate in the event of the partition solution being ruled out.

M. ORMSBY-GORE observed that it would not be an amended mandate, but an amended interpretation of the mandate. There was no reference in the mandate to the

economic absorptive capacity.

M. RAPPARD said that there was no provision in the mandate limiting immigration even to absorptive capacity.

M. HALL reminded M. Rappard that there was a reference to safeguarding the position of the Arabs.

M. RAPPARD explained that the question which he wanted to raise was the fundamental one of the interpretation of the dual obligation. There had been an exchange of views on that subject in 1930, and M. Rappard ventured to believe that if the Royal Commission had studied the Minutes of that session of the Mandates Commission as carefully as it had studied the Old Testament and other documents, it might not have been entirely waste of time. At that exchange of views,³⁸/ M. Rappard had maintained that it was a fundamental rule of international law that no interpretation should be adopted which made the text interpreted meaningless. He had said that there were two obligations, (1) to secure the National Home for the Jews and (2) to secure the development of self-governing institutions. He had believed then, and still believed, that the mandate could only mean that the National Home was to be established, and self-governing institutions developed in so far as they did not prevent that Home being established. When the mandate was drafted, obviously the Arabs had been in a great majority and they had been absolutely opposed to the establishment of the National Home.

The position was similar to that of a father who promised his daughter to a suitor on condition that she should agree when he knew that she would not agree and loathed the suitor. Such a promise was no promise at all.

The alternative interpretation was not absurd, nor did it rule out the development of self-governing institutions. It was that the National Home should be established and that self-governing institutions should develop in so far as they were compatible with it. That did not necessarily imply waiting until the two obligations could easily be reconciled by the creation of a Jewish majority. It would also imply that self-governing institutions were to be developed by and for all Palestinian citizens who did not in principle oppose the policy of the National Home. M. Rappard was convinced that, if his interpretation had been adopted from the outset, many of the troubles which had occurred, in so far as they were of legal origin, would have been avoided.

Mr. ORMSBY-GORE, with further reference to what M. Rappard had said, wished to draw attention again to the following extract from the Statement of Policy issued by Mr. Churchill in June 1922 (document Cmd. 1700):

"Nor have they (*i.e.*, the British Government) at any time contemplated, as appears to be feared by the Arab delegation, the disappearance or subordination of the Arabic population, language or culture in Palestine.

"They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be

converted into a Jewish National Home, but that such a Home should be founded *in Palestine*. In this connection, it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development."

That had certainly been the early interpretation. It was because the hope then cherished by the Zionist Congress itself and by the United Kingdom Government had not in fact been realised, that the prospects of unity and of a unitary State for Jews and Arabs living together in a common home had not been realised, and that there had been a clash of national aims, that the whole policy had to be re-examined in the light of events.

M. RAPPARD pointed out that there was a very short chapter in the Royal Commission's report devoted to cantonisation (pages 377 to 379), dismissing, he thought rather summarily, the possibility of such a solution. Did His Majesty's Government absolutely exclude that solution even as a temporary measure? He himself could conceive that the adoption of some such scheme of partition as at present contemplated would mean the temporary creation of two cantons under a federal government presided over by the mandatory Power until a complete system of self-government had been worked out for the two States. He could see certain advantages in such a period of mutual adjustment; it would reassure the outside world, and probably help both Jews and Arabs to solve many of their problems. He was not personally enamoured of the suggestion as a permanent solution, but as an introduction to partition: it might obviate certain disadvantages, and he wished to know whether, in the opinion of His Majesty's Government, it was completely ruled out.

Mr. ORMSBY-GORE said that the matter had not been considered by the Government as a whole, but he was quite sure that the last two paragraphs of the Royal Commission's report on the subject of cantonisation, paragraphs 10 and 11 on page 379, were endorsed by the Government. If cantonisation was suggested as a preface to independence, it was not so open to objection, but he did not think that cantonisation by itself--that was to say, to put one part of Palestine under Jewish government and another under Arab government, with a United Kingdom Government over both of them--was a good solution: It seemed to have the disadvantages of partition without the advantages.

In the process of establishing the two independent States, after the boundaries had been decided and questions of finance and Customs settled, and such international problems as the protection of minorities, etc., had been reached, the United Kingdom Government would certainly contemplate that at such a stage it would be advisable to have provisional governments somewhat on cantonal lines, before the treaties which would then have to be negotiated with those provisional governments were drafted for submission to the

League.

M. RAPPARD said that his conception differed from Mr. Ormsby-Gore's on one point only. In his view, cantonisation would precede the breaking-up of the Customs union. One of the advantages of the cantonal system would be that there would be a Customs union for a few years until each State took over full authority. He merely wished to ascertain whether the exploration of such a possibility was debarred.

Mr. ORMSBY-GORE replied that this possibility was not at all excluded as a step in the process.

The CHAIRMAN had another question to ask. It had been said that partition would necessitate two treaties. A treaty could quite conceivably be concluded with the Emir of Trans-Jordan assisted, as the Royal Commission's report said, by representatives of the Arabs of Palestine. But it was difficult to see what authority on the Jewish side would be sufficiently qualified to negotiate a treaty in the name of the future Jewish State. The above-mentioned report spoke of the Zionist Organisation (page 381, paragraph 6). Did that refer to the Organisation itself or more particularly to the Jewish Agency?

Mr. ORMSBY-GORE said that the same point had occurred to him when he first read the report of the Royal Commission. He thought that, by the time the final phase of treaty negotiation supervened, there might be in existence in part of Palestine a Jewish Provisional Government. But the question arose, what was the mandatory Power to do before then? With whom should it negotiate? The Royal Commission recommended the Zionist Organisation--that was to say, the body which had been meeting this year at Zurich. The Government was inclined to think that the Jewish Agency, which was specifically mentioned in the mandate itself, was probably the more appropriate body. The Zionist Organisation was a voluntary association of world Jewry, which supported Zionist aims. The Jewish Agency was the official Jewish body in Palestine, and, though predominately Zionist, it contained some non-Zionists as well. The United Kingdom Government was, therefore, inclined to think that the preliminary negotiations should be conducted with the Jewish Agency; but that was not a final decision.

Mr. Ormsby-Gore understood that, in the near future, the Jews might decide to set up a special committee for purposes of negotiation, but it remained to be seen whether such a committee would be acceptable to the Jewish Agency, or whether the Agency would ask for additions to be made to it. Therefore, the actual Jewish representative body for purposes of preliminary negotiation was not yet decided, and would depend on the representations made both by the Zionist Organisation and by the non-Zionist representatives on the Jewish Agency.

The CHAIRMAN stated that the Commission had received two Arab petitions, one from the President of the National Defence Party,^{39/} the other from the President of the Arab Higher Committee,^{40/} both accompanied by a letter from the United Kingdom Government, dated July 30th, 1937. As they had reached the mandatory Power too late, the latter had sent them to the Mandates Commission without observations and without

stating whether the accredited representative would comment on them or not. In view of the importance of these two petitions, would Mr. Ormsby-Gore be prepared to make any observations on them?

M. PALACIOS supported the Chairman's request. The mandatory Power having intimated in its covering letter that it had not had time to examine the petitions, which were of very definite importance from the point of view of the attitude of the Palestine Arabs towards the settlement contemplated, M. Palacios would be glad if the accredited representative could give the Commission some information regarding them.

Mr. ORMSBY-GORE had already referred to the character of these petitions.^{41/} The Mandates Commission would see that the solution recommended by the Arab Higher Committee implied: first, the retention by the Arabs of the right to complete independence in their own land, which they described as the whole of Palestine; second, the cessation (whatever that meant) of the experiment of the Jewish National Home; third, the cessation of the British mandate and its replacement by a treaty similar to those existing between the United Kingdom and Iraq, the United Kingdom and Egypt, and France and Syria, constituting Palestine a sovereign State; and fourth, the immediate cessation of all Jewish immigration and of land sales to Jews pending the conclusion of the treaty. That solution, Mr. Ormsby-Gore wished to say quite frankly, was unacceptable to the United Kingdom Government if it were for the whole of Palestine.

M. VAN ASBECK said he had been struck by what the accredited representative had said that morning,^{42/} to the effect that it was not possible to take account only of economic motives and that there were other and deeper motives. The whole question of the transfer of Arabs either to an Arab State in Palestine or to Trans-Jordan had so far been discussed only from the economic standpoint. He would ask the accredited representative whether there were no other motives to be taken into account when considering such transfers. In this connection, he referred to a letter of August 7th addressed to the Chairman and members of the Mandates Commission from the Arab side in which mention was made of certain religious foundations situated in the proposed Jewish State from which revenue now accrued to the Mosque of Omar and the Mosque of Hebron. The members of the Commission had also been told that the proposed new Jewish State would include two famous Holy Places of Moslem pilgrimage, a circumstance which was explained to be repellent to the Arabs. Lastly, it seemed that account had to be taken of the Arab graveyards to which Arab religious feeling always attached much importance. The question which presented itself to his mind was whether these religious considerations were not a great obstacle to the plan of partition.

Mr. ORMSBY-GORE said that M. van Asbeck's first point related to Waqf land, land which was set apart permanently for religious purposes and for providing funds for the maintenance of a mosque and its services. Under Koranic law such land could not be sold, but it could always be exchanged for land of equivalent value and such exchanges had been frequently effected all over the Moslem world. That was, therefore, hardly a very serious obstacle. On the other hand it was true that Moslem communities, like many others, had a very special sentiment for graves, and would not, undoubtedly, care to leave

graves situated in a country to be ruled over by Jews. But there had always been a certain amount of migration inside the Arab world; many people from Trans-Jordan and even the Hauran had actually settled west of the Jordan in Palestine since the war and he did not think that this circumstance represented an insuperable obstacle. It was inevitable that such an argument should be raised, but he did not think the difficulty insuperable.

Lord HAILEY pointed out that in the letter referred to by M. van Asbeck, it was stated that Koranic law forbade not only the sale but also the exchange of Waqf land, and it would be important to know whether that statement was correct or not.

Mr. ORMSBY-GORE understood that exchanges of Waqf lands had frequently been effected.

Mr. HALL confirmed that this had been done in Iraq where, under the law, Waqf land could be exchanged for land of equal value. He had no personal knowledge of such transactions in Palestine, but thought it very unlikely that the Sharia law in Palestine would differ from the Sharia law in Iraq.

Palestine and Transjordan: Close of the Hearing.

The CHAIRMAN, after having ascertained that his colleagues had no further questions to ask, said that he thought there was no occasion to detain the accredited representatives any longer. He thanked them for the assistance they had given the Commission. It seemed to him not impossible that similar circumstances might again bring the representatives of the mandatory Power and the members of the Mandates Commission together around that table. Those personal contacts would leave a particularly happy memory with all of them if the work done in common should prove to have been a useful contribution towards the search for a just and lasting settlement of the Palestinian problem.

Mr. ORMSBY-GORE thanked the Chairman.

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B. OBSERVATIONS ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN.

I. Palestine. GENERAL OBSERVATIONS.

The Commission realises that though up to a recent date the determination of the immediate causes of the disturbances of 1936, the examination of the events which characterised them and their suppression were matters of great interest, that interest was lessened after the publication of the Royal Commission's Report and the mandatory Power's Statement of Policy (Cmd. 5513). Nevertheless, it is the Commission's duty to submit observations to the Council on these different points.

When examining the annual report for 1935, the Commission 43/ left over certain

questions relating to the political situation on the eve of the disturbances. The Commission had inferred from the statements of the accredited representative that, once the disorders were over, a Royal Commission would proceed to Palestine in order to carry out an enquiry into both the course taken by the disturbances and their direct or indirect causes.

The Secretary of State for the Colonies, the first accredited representative of the mandatory Power, has explained the reasons why it seemed preferable to the United Kingdom Government to exclude from the Royal Commission's terms of reference anything relating to the course of the disturbances or their immediate causes.

The Mandates Commission, while appreciating the reasons which prompted this decision, nevertheless regrets that an account of the facts given by a body outside the Administration has not been made to it.

The Mandates Commission has accordingly carried out a simultaneous examination of the parts of the annual report for 1935, which had been postponed from the twenty-ninth session, and of the report for 1936 which give an account of the origin of the disturbances, the incidents to which they gave rise, their suppression and the difficulties encountered in carrying it out. It also took account of the passages in the Royal Commission's report dealing with the disturbances, together with a number of petitions, and further enlisted the help of the second accredited representative, Mr. J. Hathorn Hall, who was in 1936 Chief Secretary to the Government of Palestine.

It appears from this examination that in the course of 1935 and the first months of 1936 there were certain signs of growing tension, namely:

- (a) The deep impression made in Arab circles by the very great increase in the number of Jewish immigrants, which exceeded by several thousands the large number of immigrants in 1934;
- (b) A violent Press campaign and inflammatory speeches at political meetings;
- (c) A rapprochement at the end of 1935 between all the Arab parties except one;
- (d) The agitation among both Jews and Arabs regarding the new scheme for a Legislative Council;
- (e) The deep disappointment felt by the Arabs in February 1936 in consequence of the debates on this scheme in the British Parliament, though that disappointment was mitigated, at all events for the less extreme of the Arabs, by the invitation they received subsequently, from the Secretary of State for the Colonies to send a delegation to London.

As regards the attitude of the Government of Palestine towards these events, it was

explained that the Administration had taken action against a number of violent articles in the Press and vehement political speeches, that in connection with the annual revision of the scheme for the maintenance of order due account had been taken of the political situation, and that the number of troops and police had then been regarded as sufficient.

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On April 15th, 1936, two Jews were killed by Arabs. Other breaches of law followed. On April 19th, serious disturbances broke out at Jaffa, fomented by Arabs in response to alleged threats by the Jews.

The Government immediately took emergency measures to maintain order.

The disorders were accompanied by a general strike of a political character, proclaimed and directed by a number of local Arab Committees, and from April 25th onwards, by the Arab Higher Committee set up at Jerusalem under the Presidency of the Mufti.

The strike was complicated by an incitement to civil disobedience, which started at the beginning of May, and by pressure exerted on Arab officials to fail in their duties by also coming out on strike.

The disorders took place at first mainly in the towns, spreading later to country districts. The attacks were directed against Jewish colonies and against communications, causing much loss of life and property and great suffering to the whole population.

During the ensuing months, the Government passed further emergency legislation and obtained reinforcements of troops, at the same time arming a corps of auxiliary Jewish police.

The disturbances gradually assumed the character of an Arab rebellion against the Government; further, a regular guerrilla warfare was carried on by armed bands, swollen by villagers recruited by intimidation and by persons coming from outside the territory.

The information obtained--and the accredited representative removed any doubt in this connection--shows that the aggression was started by the Arabs, and that in general the Jews resorted to acts of violence only in self-defence.

The movement was deliberately directed against the establishment of the Jewish National Home and against Jewish immigration in particular--in short, against the mandate.

While at the outset it endeavoured to pursue a conciliatory policy, the mandatory Power employed firm though carefully regulated measures of repression, as it was anxious that the innocent should not be involved in any action taken. It was also conscious of the danger that severe repressive measures might appear to have been taken at Jewish instigation, with the result of widening still further the gulf between Arabs and Jews.

During the disturbances the mandatory Government refused to adopt any measures with a view to restricting Jewish immigration.

Signs of general exhaustion having become apparent, the disturbances were brought to an end by:

(a) The United Kingdom Government's statement of September 7th, 1936, announcing that strong repressive measures would be taken;

(b) The promulgation on September 30th of the Palestine Martial Law (Defence) Order in Council 1936;

(c) The appeal of the Arab kings and princes to the Arab population of Palestine.

On October 10th, 1936, the Arab Higher Committee called the strike off, and it ended on the 12th of that month.

Nevertheless this decision did not ensure complete tranquillity in the country. Since then and up to the present time individual attacks have still occurred.

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The Mandates Commission fully recognises the difficulty of preventing disturbances. It is not convinced, however, that it would not have been possible to adopt more decisive measures at an earlier stage with a view to putting down the armed resistance. It notes that by the middle of June, considerable military reinforcements had arrived from Malta and Egypt, and it is inclined to ask whether the mandatory Power should not from that moment have taken steps to institute martial law, a measure which it did not take until the end of September. The Commission appreciates the reasons which led the Mandatory Power to refrain from taking severer measures, but the Commission is not sure whether, in view of the conditions obtaining in Palestine, the obligation to suppress the disorders should not have taken precedence of all other considerations.

Despite the explanations furnished, the Commission was struck by the fact that the Arab officials and the Arab judges who had addressed a highly irregular petition to the High Commissioner were not censured in any way.

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The Commission attaches the highest importance to the declaration contained in paragraph 5 of the Statement of Policy of the United Kingdom Government to the effect that,

". . . pending the establishment of such a scheme (scheme of partition on the general lines recommended by the Royal Commission), His Majesty's Government have no intention of surrendering their responsibility for

peace, order and good government throughout Palestine. . . . If serious disorder should again break out, of such a nature as to require immediate intervention, the High Commissioner will delegate powers in respect of the whole country, under the Palestine (Defence) Orders-in- Council, to the General Officer Commanding the military forces."

The disturbances of 1936 reveal a state of great political tension due to underlying causes to which reference is made in the preliminary opinion given elsewhere at the request of the Council. These causes were largely responsible for the great difficulty experienced in putting down the disturbances and for the continuance of conditions of political instability.

SPECIAL OBSERVATIONS.

Preliminary Observation.

The events of 1936 have necessarily affected to a considerable extent the application of the provisions of the mandate and the action of the mandatory Administration.

The Commission hopes to be informed in due course of the measures taken by the mandatory Power to give effect to the conclusions and recommendations of the Royal Commission as regards reforms, some of which are of an urgent character (See: pages 163, paragraph 43; 164, paragraph 46; 167, paragraph 54; 193 and 194, paragraphs 27 and 28; 231, paragraph 37; 278, paragraph 189; 331, paragraph 12 of the Royal Commission's report).

Land Tenure.

The Commission, which has frequently drawn attention to this matter, stresses the special importance in present circumstances of hastening the completion of the land survey (pages 114-115, 204).^{44/}

Economic Equality.

As has been pointed out in the documents examined by the Commission, the application of the rule of economic equality laid down in Article 18 of the mandate constitutes a heavy burden on Palestine's industry and commerce owing to the absence of reciprocity.

The Commission noted that in some cases the mandatory Power has obtained certain advantages for Palestine. Recalling that, in 1930, the Council endorsed its recommendation that all States Members of the League should accord to products of territories under A and B mandates advantages corresponding to those enjoyed by their own products in these territories, the Commission hopes that the mandatory Power will be able to improve the present unfavourable position by obtaining concessions from a larger number of States (pages 117-118, 204).^{45/}

Education.

While it regrets that most of the Arab Government schools were closed during the disturbances, the Commission noted with interest that in spite of a general fall in revenue,

it is the intention of the mandatory Power that there should be no standstill in the development of educational facilities (pages 125-126, 204).^{46/}
Jewish Immigration.

In connection with the examination of the annual report for 1936, the Commission notes the mandatory Power's decision to reduce Jewish immigration temporarily as from August 1st, 1937, to 8,000 persons for the next eight months. The Commission does not question that the mandatory Power, responsible as it is for maintenance of order in the territory, may on occasion find it advisable to take such a step, and is competent to do so, as an exceptional and provisional measure; it feels, however, bound to draw attention to this departure from the principle, sanctioned by the League Council, that immigration is to be proportionate to the country's economic absorptive capacity (pages 111-114, 204).^{47/}

Notes

1/ See Minutes of the Twentieth Session of the Commission, pages 228 and 229.

2/ See *Official Journal*, November 1936, page 1183.

3/ See *Official Journal*, November 1936, pages 1182 and 1183.

4/ See Minutes of the Twenty-ninth Session of the Commission, pages 63 and 64.

5/ See Minutes of the Thirtieth Session of the Commission, page 108.

6/ See page 69.

7/ For text of this memorandum, see page 401 of the Palestine Royal Commission's report.

8/ See page 50.

9/ See petition of August 6th, 1936, of Mr. Sirkis, President of the Committee of the Jewish Community of Jaffa and Tel-Aviv (document C.P.M.1888).

10/ See Statement of Policy Cond. 5513.

11/ See document C.321.M.216.1937.VI.

12/ See page 76.

13/ See page 51.

14/ See *Official Journal*, Special Supplement No. 120, page 35.

15/ See page 76 ff.

16/ See page 88.

17/ See Royal Commission's Report, page 138.

18/ See Royal Commission's Report, page 179.

19/ See Minutes of the Twenty-ninth Session of the Commission, page 90.

20/ See page 63.

21/ See page 56.

22/ See page 61.

23/ See Minutes of the twenty-fifth Session of the Commission, pages 132-134.

24/ See page 87.

25/ See Minutes of the Seventh Session of the Commission, page 105.

26/ See page 153 ff..

27/ See Minutes of the Seventeenth Session of the Commission, page 121.

28/ See page 108.

29/ See page 160.

30/ See page 26.

31/ See page 18.

32/ See page 173.

33/ See Minutes of the Twentieth Session of the Commission, page 228.

34/ See page 182.

35/ See page 21.

36/ See page 32.

37/ See page 182.

38/ See Minutes of the Seventeenth (Extraordinary) Session of the Commission page 49.

39/ Document C.P.M. 1923.

40/ Document C.P.M. 1922.

41/ See page 16.

42/ See page 181.

43/ See Minutes of the Twenty-ninth Session of the Commission, pages 207 and 208.

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