[Distributed to the Council and the Members of the League.]

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Geneva, August 4th, 1930.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

SEVENTEENTH (EXTRAORDINARY) SESSION OF THE COMMISSION

(Geneva, June 3rd-21st, 1930)

I.

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE SESSION

A.

GENERAL REPORT.

1. The first meeting of the Council at which the serious events which occurred in Palestine in August 1929 were referred to was that of September 6th last. Reference was made to them at the plenary meetings of the Assembly on September 3rd and 19th and, in its Sixth Committee, on the 13th and 14th of the same month.

On the proposal of M. Procopé, Rapporteur for mandates questions, the Council decided, on September 6th, 1929 :

> " . . . that, in accordance with the procedure which was indicated in the Covenant itself, and which had been followed under similar circumstances, documents which were of interest in connection with these incidents should be forwarded to the Permanent Mandates Commission in order that the Commission might thoroughly examine them at its next session, or at an extraordinary session, and inform the Council of its views thereon."

At its sixteenth ordinary session, held in November 1929, the Permanent Mandates Commission, after noting that it was not at that time in possession of the documents to be furnished by the mandatory Power, took the following decision :

> " In accordance with the desire expressed by the Council of the League of Nations at its meeting on September 6th, 1929, the Permanent Mandates Commission intends to hold an extraordinary session in the month of March next. The Commission has no doubt that by that time it will have received from the mandatory Power a full report which will give the Commission all the information to enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events."

This decision was communicated to the President of the Council (who approved it in a letter dated November 27th, 1929) and to the British Government. The Council itself approved it at its meeting on January 13th, 1930.

The representative of Great Britain, however, having intimated that the report of the Commission of Enquiry sent to Palestine by his Government could not be ready by March, the Council decided to authorise the Permanent Mandates Commission to meet in an extraordinary session, if not as early as March, at a later date. The report of the Commission of Enquiry was forwarded to the Secretariat of the League of Nations on March 31st, 1930, and distributed by it to the members of the Permanent Mandates Commission at the beginning of April.

In the meanwhile the Chairman of the Mandates Commission had decided that the extraordinary session should be held immediately before the ordinary session, the opening of which had meanwhile been fixed for June 10th.

This extraordinary session — the seventeenth session of the Mandates Commission — which was devoted exclusively to affairs in Palestine, opened at Geneva on June 3rd. The Commission held twenty-one meetings.

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The mandatory Government appointed as its accredited representatives to the Mandates Commission :

Dr. T. Drummond SHIELS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies.
Mr. H. C. LUKE, C.M.G., Chief Secretary of the Palestine Administration.
Mr. T. I. K. LLOYD (Colonial Office).
Mr. G. L. M. CLAUSON, O.B.E. (Colonial Office).

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2. The present report is based upon the following material furnished by the mandatory Power :

(a) Two written statements by its accredited representatives to the Permanent Mandates Commission, viz. :

(1) The statement forwarded by the mandatory Power on May 26th, 1930, published by the British Government as a White Paper and also printed as Annex 2 to the Minutes (Cmd. 3582).

(2) The statement read at the second meeting (June 3rd) of the seventeenth session of the Permanent Mandates Commission (see Minutes of meeting).

(b) The annual reports on the administration of Palestine, and especially the annual report for 1929.

(c) The replies by the accredited representatives to the questions put by the members of the Mandates Commission during the extraordinary session. These replies are recorded in the Minutes of the seventeenth session.

The documents at the disposal of the Commission also included :

(a) The Report of the Commission on the Palestine Disturbances of August 1929 (Cmd. 3530 of March 1930), forwarded by the mandatory Power.

(b) Two memoranda from the Jewish Agency forwarded by the mandatory Power, viz. :

(1) Memorandum on the " Report of the Commission on the Palestine Disturbances of August 1929 ".

(2) Memorandum on the development of the Jewish National Home, 1929, submitted by the Jewish Agency for Palestine for the information of the Permanent Mandates Commission.

(c) Various petitions, some of them forwarded to the Mandates Commission through the mandatory authorities, viz. :

(1) Telegram from the President of the Supreme Moslem Council, forwarded on October 14th, 1929, by the High Commissioner for Palestine (C.P.M. 958).

(2) Telegram dated September 1st, 1929, from the Nablus Arab Executive Committee, forwarded with observations, by the British Government on November 8th, 1929 (C.P.M. 959).

(3) Letter and memorandum, dated February 17th, 1930, from the President of the Supreme Moslem Council, forwarded, with observations, by the British Government on May 12th, 1930 (C.P.M. 1014). [1]

Others, received by the Chairman of the Permanent Mandates Commission and forwarded to the British Government for its observations, viz. :

(1) Petition dated September 7th, 1929, from M. Ihsan el Djabri (C.P.M. 936) ; Observations by the British Government, dated March 31st, 1930 (C.P.M. 999).

(2) Telegram of January 8th, 1930, from the Syro-Palestinian Executive Committee at Cairo (forwarded to the mandatory Power for its observations on May 26th, 1930) (C.P.M. 1018). [2]

The ordinary duty of the Permanent Mandates Commission is to furnish the Council with its opinion on the execution of the mandates, in the light, mainly, of the annual reports which the mandatory Powers are required to send to the Council under Article 22 of the Covenant.

Following this rule, the Mandates Commission endeavoured, in the present case, to form an opinion as to the events themselves which formed the subject of enquiry and of their

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[1] *Note by the Secretariat* :
The following documents were received during the session :
(a) Memorandum submitted to the Permanent Mandates Commission of the League of Nations by the National Council (Waad Leumi) of the Jews of Palestine — June 1930, received by the intermediary of the High Commissioner for Palestine ;
(b) Memorandum from the Executive Committee of the General Federation of Jewish Labouf in Palestine. transmitted by the High Commissioner for Palestine.

[2] The examination of this petition was adjourned to another session.

immediate and more remote causes, relying for this purpose primarily upon information supplied by the mandatory Power itself.

Accordingly, the facts and findings contained in the report of the Commission of Enquiry — despite the official character of that document — cannot be considered as pledging the mandatory Government, and the Permanent Mandates Commission has therefore only taken special cognisance of facts and findings which have been endorsed by the Government itself.

In considering the information furnished from unofficial sources the Commission felt bound to pay special attention to the memoranda from the Jewish Agency, since they emanate from an organisation officially recognised by Article 4 of the mandate.

In accordance with its traditions, the Commission did not fail to give due consideration to the various petitions submitted to it through the regular channels.

The events in Palestine have prompted a very large number of articles in reviews or in newspapers, and of pamphlets, tracts, and open letters, contributed by eye-witnesses, or more often by Jewish organs and associations, either defending their point of view, or attacking the other side.

The members of the Permanent Mandates Commission could not altogether disregard the body of information reaching them from these sources. Although they accepted it with all due reserve, it sometimes furnished material for the questions which they put to the representatives of the mandatory Power. The Commission decided to disregard all communications which, after discussion, appeared to them to be based on insufficient data.

A statement by the British Foreign Secretary at the meeting of the Council on May 15th last had given a hope that a transcript of the evidence taken by the Commission of Enquiry would be transmitted to the Permanent Mandates Commission in time for its extraordinary session. For reasons which were given by the accredited representative, it was found impossible to furnish the Commission with this transcript before the close of the session.

* * *

3. From the Council's resolution of September 6th last the Commission inferred that the duty incumbent upon it was to give its opinion on the following matters :

(1) The events of August 1929, their immediate causes, their more remote and deep-lying origins, and the action of the Palestine Administration when confronted with them ;

(2) The steps taken by the mandatory Government to prevent the recurrence of such events ;

(3) The policy which the mandatory Power intends to follow in order to give full effect to the mandate over Palestine, and the measures it proposes to take in pursuance of this policy.

The Commission examined these questions in the order given above, and the same order has been observed in drafting the present report.

* * *

4. The Mandates Commission considers that the Palestine disorders cannot justly be regarded as an unexpected disturbance in the midst of political calm, like those sudden explosions of popular passion which have so often been witnessed in the East. They were preceded during the last four months of 1928 and in the early part of 1929 by a number of premonitory incidents which were usually connected with the Wailing Wall.

This historic spot became, as it were, the focus of the claims of the two races concerned, each of which sought to utilise incidents unimportant in themselves in order to establish their respective claims *de jure* or *de facto*.

The quarrel over the Wailing Wall, the symbolic significance of which was not always evident in its full gravity to the foreign observer, inclined to see only the trivial aspect of the matters immediately in dispute, gave rise among the inhabitants of Jerusalem, and, through them, throughout a large part of Palestine, to a state of nervousness and suppressed excitement which was likely, on an early occasion, to develop into an outbreak of violence.

The historical account of the period between September 23rd, 1928, and the end of August 1929, as given on pages 26 to 70 of the report of the Commission of Enquiry, is considered by the mandatory Power to be an accurate account of events.[1] Indeed, the value of this statement has not been seriously disputed, as was observed by the accredited representative of the British Government. The Commission can therefore only refer the Council to that account.

After detailing the facts in their chronological order and commenting on their nature the Commission of Enquiry arrived at the following conclusions[2] :

" 1. The outbreak in Jerusalem on August 23rd was from the beginning an attack by Arabs on Jews for which no excuse in the form of earlier murders by Jews has been established (Chapter III, page 63).

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[1] Minutes, page 16.

[2] Report of the Commission on the Palestine Disturbances of August 1929 (Cmd. 3530), page 158 (i).

" 2. The outbreak was not premeditated. Disturbances did not occur simultaneously in all parts of Palestine but spread from the capital through a period of days to most outlying centres of population and to some rural districts (Chapter IV, page 81).

" 3. As will be realised from the brief account of the disturbances given on pages 62 to 65 of Chapter III, they took the form, for the most part, of a vicious attack by Arabs on Jews, accompanied by wanton destruction of Jewish property. A general massacre of the Jewish community at Hebron was narrowly averted. In a few instances, Jews attacked Arabs and destroyed Arab property. These attacks, though inexcusable, were in most cases in retaliation for wrongs already committed by Arabs in the neighbourhood in which the Jewish attacks occurred.

" 4. The outbreak neither was, nor was intended to be, a revolt against British authority in Palestine (Chapter XII, page 149). "

These four conclusions have been adopted by the mandatory Power.

The Mandates Commission is of opinion that two of them call for certain reservations.

It considers that it should draw attention to the contradiction which seems to exist between certain declarations made in the body of the report (see specially : page 71, lines 7-19 ; page 75, lines 1-6, 37-43 ; page 78, lines 21-25 ; page 79, lines 24-27 ; page 80, lines 6-9 ; page 158, paragraph 6, lines 7-12 ; page 159, paragraphs 11, 12 and 13 ; page 164, paragraph 45 *(c)*; page 172, lines 12-14, 23-32, 39-48 ; page 173, lines 1-4 ; page 180, lines 6-8) and the second of the conclusions in regard to the question of premeditation on the part of those who caused the disorders. The Mandates Commission, moreover, doubts whether the kindly judgment passed by the majority of the Commission of Enquiry upon the attitude of the Arab leaders, both political and religious, was fully justified by the report of the enquiry.

The fourth conclusion, that the outbreak was not directed against British authority, seems to be expressed too categorically.

Doubtless the Arab attacks were directed only against the Jews, but the resentment which caused the Arabs to commit these excesses was ultimately due to political disappointments which they attributed to the parties concerned in the mandate, and primarily to the British Government. All the declarations by persons and organisations representing the Arab section tend to emphasise the fact that the Arab movement was a movement of resistance to the policy of the mandatory Power solely in its capacity as mandatory. This has never been more clearly stated than in a letter from the Palestinian Arab delegation, and in a telegram from the Arab Executive, both received by the members of the Permanent Mandates Commission during the extraordinary session. The first reads as follows :

" We believe that the main cause of the disturbances which have led to continual bloodshed in Palestine for the last twelve years is the persistence of the British Government in depriving the Arabs of their natural rights. We feel that there can be no security in future against the recurrence of disturbances such as those which have taken place, or perhaps of an even more serious nature, unless the British Government promptly and radically changes its policy . . . " [1]

The telegram from the Arab Executive was in the following terms :

" Palestine Arabs vehemently protest against Doctor Shiels declaration that Government desire continue old policy with repressive measures. We declare any policy inadequate safeguard our rights will result in troubles for which British Government and League will be responsible. Arabs are determined defend lines and right no matter what results. — PRESIDENT ARAB EXECUTIVE. "

Because in actual fact the Arab attacks were directed against the Jews and it was the Jews who suffered, it would be a mistake to conclude that the movement was entirely devoid of any intention to resist British policy in carrying out the mandate in Palestine.

* * *

5. The Commission of Enquiry sought to establish the degree of responsibility attaching to the Jews and Arabs respectively for both the immediate and the remoter causes of the disturbances.

The Mandates Commission sees its duty in another light. It is not its business to decide between the two sections of the population which these events have brought into collision, but only to consider the attitude of the Mandatory during and before the disturbances. The mandatory Power is alone responsible to the League of Nations for the mandated territory which it administers on the League's behalf, and it is on the observance of the mandate that — according to the actual terms of the Covenant — the Commission has to advise the Council.

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[1] Letter from the Secretary-General of the Palestinian Arab delegation to the President of the Permanent Mandates Commission, June 4th, 1930.

That the immediate causes of the events include some for which the mandatory Government and its local agents are responsible has already been established by the Commission of Enquiry, and the mandatory Government has not hesitated to admit the fact.

On this matter the Permanent Mandates Commission has arrived at the following conclusions :

(a) It has already been observed that the numerous incidents centring at the Wailing Wall from September 1928 to August 16th, 1929, contributed largely to the creation of the state of mind which eventually led to the outbreak.

For the most part, these incidents were provoked by attempts by both parties to alter, as regards the arrangements at the place and the customary use made of it, the *status quo* that the British Government by its declaration of November 19th, 1928[1], had ordered to be observed pending the agreement which, it was hoped, would be reached between Moslem and Jewish authorities regarding the performance of ceremonies before the Wall.

This declaration would have gained by being supplemented by police regulations specifying the practices in which Moslems and Jews might engage and those which were forbidden. In the absence of such regulations, the expression *status quo* had no definite meaning in the eyes of the two parties, who were equally disposed to exaggerate their claims. Moreover, the consequent uncertainty necessarily made it difficult for the police to act.

The regulations, which might well have been issued earlier, were finally promulgated in September 1929.[2] They inevitably gave rise to recriminations on the part of those who found an equivocal position convenient, but since it is stated in the report on the administration of Palestine for the year 1929 (page 5), that " no incidents of note have taken place at the Wall since these instructions were issued ", it is reasonable to suppose that, had regulations been issued earlier regarding the use of the pavement in front of the Wall and the space immediately surrounding it, many incidents would have been avoided. The dangerous excitement to which they led was kept at a high pitch until the eve of the disturbances.

(b) The mandatory Government agrees with the Commission of Enquiry that this state of mind was maintained by the continual incitements of the Jewish — and, more especially — of the Arab local Press. It has however been established that the Administration did not always use at the right moment its powers under the Press Law to suspend seditious prints.

(c) It is beyond question that the Palestine Government was in several instances taken by surprise by these events.

In the course of the agitation, the Administration appears to have displayed a lack of insight, especially on the occasion of the Jewish demonstration before the Wall on August 15th and the Moslem counter-demonstration on the following day, the gravity of which it apparently did not foresee; and again during the days from August 20th to 23rd, when the danger, though imminent, could probably still have been warded off by proper precautions.

The inadequacy of the intelligence service, which is admitted by the mandatory Government, explains this failure to appreciate the situation.

(d) The hesitation of the local Administration during this period is explained by the fact that at the time of the incidents it had altogether inadequate armed forces at its disposal. As the Commission of Enquiry found, in conclusions which the mandatory Government did not deny, the authorities " were lulled into a false sense of security by the absence for some years of any overt acts of hostility. In consequence, the forces were reduced below the margin of safety ".[3] The Mandates Commission has several times, particularly at its ninth session, drawn the attention of the mandatory Power to the danger of excessive reduction of the British forces in Palestine.[4]

The last British regiment was withdrawn from Palestine in 1925, and from that time onwards the maintenance of order was entrusted to a body of native police, mostly Arabs but partly Jews, with a section of British police whose strength was reduced year by year.

As might have been expected in a country where explosions of religious and racial passions have constantly threatened the public peace, there was a defection on the part of the native contingents as soon as the rioting brought the two races into conflict. Some of them even joined the rioters.

Lastly, in Palestine, a country of 900,000 inhabitants, the maintenance of order at that critical moment was entirely in the hands of 175 British policemen, one squadron of aeroplanes, and one armoured car company.

It has been urged that the presence of larger forces would have had no decisive effect, and reference has been made to the massacres of 1920 and 1921, which larger British garrisons were not able to prevent. This argument seems unconvincing, and the Permanent Mandates Commission cannot help feeling that the insufficient number of the British troops and the inadequacy of the police force was the main cause of the large area over

[1] Cmd. 3229.
[2] Report on the Administration of Palestine for the year 1929, Appendix I.
[3] Report (Cmd. 3530), page 145.
[4] See Minutes of the ninth session, document C.405.M.144.1926.VI, page 217.

which the disturbances took place and the gravity of their consequences. The circumstances attendant upon the outbreaks at Hebron and Safed suffice to show that this inadequacy was largely responsible for the loss of many lives.

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6. As the disturbances of August 1929 followed upon a protracted period of tension between Arabs and Jews, it is necessary to ascertain whether the mandatory Power has, by the general policy it has followed since the mandate came into force, done everything that could legitimately be expected of it to prevent the explosion of the antagonisms that were known to exist, and to lessen their violence.

As the Mandates Commission pointed out as long ago as 1924 — a view which is restated in the report of the Commission of Enquiry, and explicitly recognised by the mandatory Government in its declaration of May 1930 — the task of the Power entrusted with the mandate for Palestine is a particularly delicate and difficult one. It is to ensure, at one and the same time, the establishment of a Jewish National Home in the country and the development of self-governing institutions for a population of which the great majority is Arab.

Up to the present, the execution of the mandate has certainly not given satisfaction either to the impatient advocates of a Jewish National Home or to the Arab extremists, alarmed by the influx into the country of immigrants who do not share their religious faith or their national aspirations.

The former accuse the mandatory Power of having hindered rather than promoted Zionist immigration and done too little to " encourage close settlement of Jews on the land, including State lands, and waste lands not required for public purposes ", as Article 6 of the mandate directs. The latter, on the other hand, consider that the newcomers are receiving unduly generous treatment, that the number of immigrants authorised to enter the country is too great, and that there has been no " development of self-governing institutions " as provided for in Article 2 of the mandate.

These are the two problems which set the two elements of the population at variance, and in them is summed up the whole of the conflict in Palestine. The first is social and economic, raised by the Jewish immigration and settlement in Palestine. The second is political, arising out of the obligation to develop self-governing institutions in a country thus divided against itself.

It is neither possible, nor has the Mandates Commission the power or the wish to judge of these conflicting complaints in all their details and in all their bearings. It is required only to give a general opinion about them, and if, in the course of the following observations, the Commission cannot conceal its regret that on certain points the mandatory Power has not as yet succeeded in giving full effect to all the provisions of the mandate, its only desire in making them is to contribute, to the best of its limited powers, to the solution of the present difficulties.

The Commission views with approval the mandatory Power's intention of keeping Jewish immigration proportionate to the country's capacity of economic absorption, as clearly intimated in the White Paper of 1922. The Commission is inclined to ask whether the obligation to encourage close settlement by the Jews on the land does not — as a measure for the preservation of social order and economic equilibrium — imply the adoption of a more active policy which would develop the country's capacity to receive and absorb immigrants in larger numbers with no ill results.

Such a policy seems to have been no more than outlined in the form of encouragement and protection for embryo industries. It is quite clear, however, that the Jewish National Home, so far as it has been established, has in practice been the work of the Jewish organisation.

The mandate seemed to offer other prospects to the Jews. It must be recognised that their charge against the Palestine Government, that it has not fulfilled, by actual deeds, the obligation to encourage the establishment of the National Home, has been notably reinforced by the fact that the Government has shown itself unable to provide the essential condition for the development of the Jewish National Home — security for persons and property.

The ill-effects of the inaction — or at any rate the partial inaction — of the Palestine Government, confronted by the unprecedented phenomenon of the Zionist movement, has not been limited solely to Jewish interests. In such economic and social conditions as prevail in Palestine, a scheme of colonisation undertaken on so vast a scale was bound, as soon as it began to develop independently of the active intervention of the public authorities, to cause a profond disturbance in the lives of that section of the population which was not concerned in the movement.

Faced by a strongly organised Jewish body, under single control and with considerable capital at its disposal, the Arabs — with no organisation and no financial resources — were bound before long to have legitimate apprehensions regarding their economic future.

The Arab element might have found its interests safeguarded by a Government agricultural policy including, not only public works to develop the cultivable area, but also the organisation of agricultural credit, land credit and co-operative societies, together with an educational campaign which would have initiated them into the working of these institutions, convinced them of their advantages, and familiarised the fellaheen with modern methods of working the soil, as was recognised by the accredited representative at the present session. The fears that the Arabs felt when they saw the land passing into the hands of the Jews through sale after sale would certainly have been largely allayed had they observed that the cultivable area and the yield of the available land in the country as a whole were increasing at the same time.

Such action, both social and economic in character, could only be taken by the Government; for it could not be expected that the Arabs would take it themselves. Though undertaken for the direct benefit of the Arabs, it would have indirectly helped towards the establishment of the Jewish National Home. Consequently, the Mandates Commission ventures to think that had the mandatory Government concerned itself more closely with the social and economic adaptation of the Arab population to the new conditions due to Jewish immigration, it would have served the interests of both sections of the population. Moreover, if, in working the economic organisation — which would have been desirable in a country where, more than anywhere else, economic problems affect the outlook on life of the population — the mandatory Government had endeavoured to bring the two sections of the population into close association, it would have helped to bring about a fusion of interests, which is the best possible means of developing the sense of solidarity and of blunting the edge of antagonism.

Up to the present time, all those institutions which should have been open equally to both sections of the population, associated together under the patronage of the mandatory Government, have been established entirely on the initiative of the Jewish organisation, and naturally in the interests of the Jewish population alone. If institutions were now to be founded on official initiative for the benefit of the population as a whole, and more especially of the Arab element, which has so far been left to its own resources, there is some reason to fear that they would in their turn be viewed with indifference by the Jewish section, which is already provided for. In that case, there would be a danger of perpetuating the existence, in this small country, of two sections of the population as strangers to each other. Such a danger must be avoided, and the mandatory Government might be well advised to counteract this tendency by the association of capital in industrial, agricultural, and commercial concerns. Another means which would help towards the same result would be to provide common vocational training for the youth of both communities as far as may be found possible.

The representatives of the Arab section complain that the Mandatory is not active enough in promoting the development of self-governing institutions.

The mandatory Government replies by referring to its repeated attempts to introduce a legislative Council, which have failed through the refusal of the Arabs to associate themselves with their schemes ; also by referring to the fact that autonomous municipalities have already been established, and that it intends to increase their number, and also to its attempt to set up advisory bodies such as an Arab Agency. It argues, not unreasonably, that the conduct of local affairs and the giving of advice in regard to affairs of general interest is a method of political education, and is indispensable as training for the population as a whole to take part in the work of self-governing institutions on a wider scale.

The claim for self-government is in no way surprising in a people who can watch the operation of representative institutions in some of its neighbours of the same race and civilisation ; it is an expression of a sentiment — pride of race — which certainly commands respect and can be justified to some extent by the terms of the Covenant and of the mandate itself. If those responsible for the agitation hoped by its means to secure the triumph of their opposition to the League of Nations as a party to the mandate, they will find no encouragement from the Mandates Commission.

To all the sections of the population which are rebelling against the mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause, the mandatory Power must obviously return a definite and categorical refusal, as long as the leaders of a community persist in repudiating what is at once the fundamental charter of the country and, as far as the mandatory Power is concerned, an international obligation, which it is not free to set aside, the negotiations would only unduly enhance their prestige and raise dangerous hopes among their partisans and apprehensions amongst their opponents.

The Commission is entirely in sympathy with the regrets and hopes which doubtless inspired the statement made by the accredited representative in his final speech, when he said :

> " No Government can do good constructive work for the whole country while it has constantly to act as an umpire."

The Commission hopes that the necessity of continually acting as an umpire between the hostile factions will not prevent the Palestine Government from proceeding to carry out a constructive programme in the interests of the peaceful masses of the population more vigorously than hitherto. It entertains this hope not only because such action is necessary for the complete execution of the mandate, but also because it believes that there is no better means of bringing about a general pacification than to encourage and organise in every possible way effective co-operation between the various sections of the population.

Such an attitude on the part of the mandatory Power and all its agents would assuredly have given them better protection against the continual demands of the representatives of the two parties. It would have enabled them to convince the Arab fellaheen more easily of the undeniable material advantages that Palestine has derived from the efforts of the Zionists. Moreover, by enhancing the moral authority of the mandatory Government as the natural protector of the holy places, it would have enabled them to dispel the apprehensions felt by the Arabs on account of the intention which they attributed to the Jews to encroach upon the Burak.

It is, of course, not proved that a more active policy on the part of the mandatory Power, and a firmer and more constant and unanimous determination on the part of all its representatives in Palestine to carry out the mandate in all its provisions, could have eliminated the racial antagonism from which the country suffers. In the view of the Mandates Commission,

however, it seems at least probable that the force of that antagonism would have been diminished. Any uncertainty or hesitation in regard to the application of the various provisions of the mandate must inevitably have led the extremists in both camps to seek by propaganda and by force to obtain what the mandate, loyally interpreted and energetically carried out, could not give them.

The capacity of a Government to establish peace and concord among those whom it governs is proportionate to its confidence in itself and its policy ; and the likelihood of its being obliged to resort to force in order to impose its will is proportionate to the uncertainty of its intentions.

* * *

7. Without awaiting the report of the Commission of Enquiry, the British Government took the steps immediately necessary to prevent any recurrence of the riots.

Two infantry battalions and certain units of the Royal Air Force were left in Palestine. By successive reinforcements, the strength of the British contingent of the police was brought up to 650 men. Lastly, arrangements were made for further reinforcements to be sent immediately if required.

These first measures seem to afford a guarantee that public order cannot again be seriously disturbed.

An experienced police official has been sent to Palestine to reorganise the native police force, which the mandatory Administration has not given up hope of reconstituting as a force that can be relied on in all circumstances.

Various measures recommended by the Commission of Enquiry, such as the improvement of the intelligence service, the protection of isolated Jewish colonies, and a more effective supervision of the Press, are under consideration.

As regards measures for the pacification of public opinion, mention should be made of the appointment of a Commission on May 15th, 1930, with the Council's approval, to settle the question of the Wailing Wall.

The British Government has also sent an expert, Sir John Hope Simpson, to Palestine to make a fresh enquiry, on the results of which definite decisions in regard to immigration, land tenure and agriculture can be based.

Meanwhile, the British Government has suspended the issue of immigration permits. This decision has been received very differently by the two elements of the population. Without offering any opinion upon it, the Permanent Mandates Commission has noted the statement of the representative of the mandatory Power that the measure is strictly temporary.

This statement should dispel the fears which have been expressed in Jewish circles as to the mandatory Power's inclination to discharge in full its obligation to encourage Jewish immigration and to ensure the establishment of the Jewish National Home under the conditions stipulated in the mandate.

* * *

8. Successive Governments in Great Britain since 1922 have always asserted their firm determination scrupulously to carry out the terms of the Palestine mandate in all its provisions.

On September 3rd, 1929, the present Prime Minister, addressing the Assembly of the League of Nations, expressed his determination not to allow himself to be diverted from this line of policy. He said :

> " So far as we are concerned, it is not a question of Moslem or Jew, of Christian or non-Christian. I do not care what their race is, or their religion, or their culture ; there is no such differentiation in my mind in connection with the thought that I am about to express. No nation, no civilised nation, no nation with any political responsibility, no nation co-operating with other nations to do their best for all the peoples of the world, will ever yield to outbursts of criminality and murder."

This firm intention on the part of the Mandatory to carry out the mandate in all its provisions was again strikingly asserted in a speech by the Prime Minister in the House of Commons on April 3rd, 1930. The Mandates Commission particularly notes the following statements in this speech, an extract from which appears at the head of the White Paper of May 1930[1] :

> " His Majesty's Government will continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. That is an international obligation from which there can be no question of receding.
>
> " Under the terms of the mandate His Majesty's Government are responsible for promoting ' the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country '.

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[1] See Annex 2 to the Minutes.

" A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other ; and it is the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the declaration, and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the resources at their command . . . "

At the extraordinary session, the accredited representative of Palestine in the Commission used language no less specific. In his first statement on June 3rd Dr. Drummond Shiels said :

" We are committed not only to the establishment in Palestine of a National Home for the Jewish people, but also to the preservation of the civil and religious rights of the non-Jewish communities in the country. It is sometimes said that the two parts of this obligation are irreconcilable. We believe that they can be reconciled, and must be reconciled." [1]

Again, in the course of his final statement to the Commission on June 9th, the accredited representative said :

" We do not consider that the events of last August — deeply regrettable as we feel them to be — prove that the general lines of our Palestine policy are wrong, or require revision . . . We are, from our experience, fully aware of the difficulties inherent in the mandate. I have already stated that we do not believe that these difficulties are insuperable, but that they can and must be overcome." [2]

From all these statements two assertions emerge which should be emphasised :

(1) That the obligations laid down by the mandate in regard to the two sections of the population are of equal weight ;

(2) That the two obligations imposed on the Mandatory are in no sense irreconcilable.

The Mandates Commission has no objection to raise to these two assertions, which, in its view, accurately express what it conceives to be the essence of the mandate for Palestine, and ensure its future.

The Commission is, however, of opinion that, in the interests of the restoration of a peaceful atmosphere in Palestine, the time has come to define the legal foundation of the first of these assertions.

In the Commission's view, interpretations of the Palestine mandate have too often confused two quite separate matters, namely :

The objects of the mandate, and
The immediate obligations of the Mandatory.

Considering only those clauses of the mandate which form virtually the whole subject of the controversy, the *objects of the mandate* are :

The establishment of the Jewish National Home ;
The establishment of self-governing institutions.

The mandate fixes no time-limit for the accomplishment of these objects, which is only common sense, because the event will depend on numerous circumstances over which the Mandatory has no control. Even the most energetic action and the employment of immense financial resources cannot alone achieve the establishment of the Jewish National Home, which is dependent upon economic factors ; and no political guidance, however enlightened and however effective, can develop, except in process of time, that political maturity without which the winning of complete *de jure* independence by a people is a mere illusion.

The *immediate obligation* of the Mandatory is defined in the mandate in the following terms :

(1) " Placing the country under such . . . conditions as will secure the establishment of the Jewish National Home. "

(2) " (Placing the country under such conditions as will secure) the development of self-governing institutions. "

Between the two terms of this obligation the mandate recognises no primacy in order of importance and no priority in order of execution.

It would be unfair to make it a complaint against the Mandatory that eight years after the entry into force of the mandate, Palestine has not yet been granted a regime of self-government ; and it would be equally unfair to reproach the Mandatory because the Jewish National Home has not yet reached its full development. Those are the *objects* of the mandate, and it is not one of the Mandatory's obligations to bring them to immediate completion. The Mandatory's immediate obligation is solely to create and maintain in Palestine general conditions favourable to the gradual accomplishment of the two objects of the mandate.

The policy of the Mandatory would not be fairly open to criticism unless it aimed at crystallising the Jewish National Home at its present stage of development, or rigidly stabilising

[1] Minutes, page 12.
[2] Minutes, pages 85 and 86.

the public institutions of Palestine in their present form. Judged by the acts in which it daily finds expression and the results already achieved, that policy deserves no such reproach.

The Mandates Commission's conception of the immediate duty of the mandatory Power is in accord with that expressed by the accredited representative when he compared the regime instituted in Palestine to an organism that is not static, but dynamic, and in constant process of evolution.[1]

The task of the Power responsible for the execution of the mandate over Palestine is a particularly difficult one. To this difficulty, which cannot have escaped the British authors of the Balfour Declaration or the framers of the mandate, the Commission only refers here in order to record its satisfaction that the mandatory Power does not consider it insuperable.

Excessive impatience on the part of the inhabitants of Palestine would only work to their own detriment by interfering with the operation of a system, the international bases of which they are not in a position to challenge.

The League of Nations is entitled to expect Palestinians, of all races, to recognise in fairness the merits of a regime which, while providing effective safeguards against arbitrary action, is leading the country steadily onwards to a political state which they will better appreciate in process of time, since most of them have never possessed political freedom, or even had any full assurance of individual freedom.

The special features of the mandate system are eminently suited to form in Palestine a political unit on the model of many other nations which have found the root of their vitality in their mixed composition, and learnt from the variety of their religions the spirit of tolerance.

B.

OBSERVATIONS ON THE ANNUAL REPORT ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN FOR THE YEAR 1929.[2]

General Observation.

The task of the Permanent Mandates Commission would be much facilitated if the mandatory Power would be so good as to arrange the sections of the report in the order of subjects adopted by the Commission for its annual examination (page 91).

Special Observations.

1. *International Relations.*

The Commission would be glad to have further information as to the restrictions alleged to have been imposed by various States in South and Central America on the immigration of Palestinians, and as to the protection afforded to the latter by the mandatory Power (pages 91 and 99).

2. *Land Tenure.*

The Commission notes the accredited representative's promise that a map and statistics showing the results of the land survey up to the present will be included in the next report (page 99 and 100).

3. *Nationality.*

With reference to the discussions which took place at its twelfth session, the Commission would like to know when the mandatory Power sent instructions to its consular agents in regard to the formalities required for the granting of visas for return to Palestine of persons born in Palestine and returning to their country. In view of the fact that petitions on the subject are very often being submitted to it, the Commission would also like to know whether sufficient publicity has been given to the procedure adopted by the mandatory Power in this matter (pages 101 and 102).

4. *Economic Equality.*

(a) *Concessions.* — The Commission notes the undertaking of the accredited representative to furnish in the next report a complete list of all concessions granted or recognised by the Palestine Government up to date (page 102).

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[1] Minutes, page 89.

[2] The page references are to the Minutes of the Session.

(b) *Haifa Harbour Works.* — The Commission noted that, on account of difficulties in regard to the wages of Jews and Arabs respectively, the necessity of imposing special restrictions on contractors in order to preserve the important antiquarian remains in the quarry of Athlit, whence material for the contraction works will be largely taken, the Government has decided not to call for tenders for the whole of the Haifa Harbour Works, but to carry it out departmentally. Contracts for the supply of materials or the execution of portions of the work are, however, being given locally, as circumstances permit, and no discrimination will be exercised in the acceptance of these local contracts (pages 102 and 103).

5. *Judicial.*

The Commission would be grateful to find in future annual reports information concerning the activity of the religious courts of Palestine (pages 94 and 95).

6. *Trans-Jordan.*

(a) *Arms and Ammunition.* — The Commission would like to be informed as to the steps taken to control the arms traffic in Trans-Jordan (page 106).

(b) *Slavery.* — The Commission asks for information as regards the progress made in the abolition of slavery in Trans-Jordan since 1924, and particularly the results of the enactment of the Ordinance of 1929 for the Abolition of the Status of Slavery (page 107).

7. *Labour.*

The Commission hopes to find in the next annual report some indication that the Administration is developing a policy of labour legislation adapted to the increasing industrialisation of the country and designed to meet the problems which that industrialisation is creating (pages 96-98).

8. *Public Health.*

Although recognising the efforts made by the Government and by private institutions in the matter of public health, the Commission would like to know whether it would not be possible for the Administration to devote a larger sum to this purpose, since it appears that the population of certain areas has recently been without adequate hospital facilities (pages 113-115).

C.

PETITIONS.

At its seventeenth session, the Commission considered the petitions mentioned below, together with the observations thereon furnished by the mandatory Power. [1] Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes. [2]

(a) *Petitions of the Supreme Moslem Council, dated October* 14th, 1929 (document C.P.M.958), *and February 17th,* 1930 (document C.P.M.1014).

Observations of the British Government dated May 12th, 1930 (document C.P.M.1014).

Report (see Minutes, Annex 5).

Conclusion.

The Permanent Mandates Commission, having considered two petitions from the Supreme Moslem Council concerning the Wailing Wall, one of which has been commented on by the mandatory Power, is of opinion that no action is required so far as these petitions are concerned. The question with which they deal is, in fact, to be considered by an international Commission appointed by the mandatory Power with the express approval of the Council of the League of Nations, in a desire for impartiality, which is wholly in accordance with justice and the spirit of the mandate.

* * *

[1] The Chairman received a great number of communications relating to the recent events in Palestine. Lists of these communications are annexed to the Minutes (Annexes 8 and 9).

[2] The Commission recommends that copies of these petitions and of the observations of the mandatory Power relating thereto which the Commission has not considered it necessary to annex to the Minutes and thereby circulate to the Council and the States Members of the League should be kept in the League Library at the disposal of persons who may wish to consult them.

(b) *Telegram from the Nablus Arab Executive Council, dated September 1st, 1929, and forwarded on November 8th, 1929, by the British Government with its Observations thereon* (document C.P.M.959).

Report (see Minutes, Annex 7).

CONCLUSION.

The Commission considers that, the questions raised by the present petition and the observations thereon having been discussed at length in connection with the Shaw Report, and the Mandates Commission having formulated and addressed to the Council of the League all the necessary observations on the subject, no further action is required on the petition from the Nablus Arab Executive Committee.

* * *

(c) *Memorandum of the Zionist Organisation, dated May 2nd, 1930, on the Development of the National Jewish Home in Palestine in* 1929 (document C.P.M.1036).

Report (see Minutes, Annex 4).

CONCLUSION.

The Permanent Mandates Commission considers that neither the memorandum nor the observations of the mandatory Government would seem to give occasion for a recommendation to the Council. Several of the points raised are dealt with in the Commission's general report to the Council.

* * *

(d) *Petition of M. Ihsan el Djabri, dated September 7th,* 1929 (document C.P.M.936).

Observations of the British Government dated March 22nd, 1930 (document C.P.M.999).

Report (see Minutes, Annex 6).

CONCLUSION.

The Commission, considering that the greater part of the petition deals with the existence of the mandate and its abolition, that the mandatory Power has replied pertinently to the remaining assertions, and more especially that the document deals generally with questions which were discussed at the extraordinary session of the Mandates Commission, when the Shaw Report was examined in the presence of the accredited representative of the mandatory Power, thinks no further importance need be attached to the allegations made in the petition.

II.

COMMENTS BY THE MANDATORY POWER.

LETTER DATED AUGUST 2ND, 1930, TRANSMITTING THE COMMENTS OF THE BRITISH GOVERNMENT.

I am directed by Mr. Secretary Henderson to transmit to you the accompanying copies of a memorandum, containing the comments of His Majesty's Government in the United Kingdom on the General Report of the Permanent Mandates Commission on the work of their Seventeenth (Extraordinary) Session, dealing with the events which occurred in Palestine in August and September, 1929.

2. The Secretary of State will be grateful if you will be so good as to cause this document to be circulated together with the above-mentioned General Report.

(Signed) MONTEAGLE.

The General Report of the Permanent Mandates Commission to the Council of the League on the work of the seventeenth extraordinary session of the Commission, dealing with the events which occurred in Palestine in August and September 1929, is divided into three parts. The first contains a commentary on the nature of the outbreak and on the attitude and conduct of the mandatory Power during and before the outbreak (see pages 3 to 8). The second deals with the steps taken by the mandatory Power to restore and maintain order (see page 8). The third deals with future policy in Palestine (see pages 8 to 10).

As regards the second and third parts, His Majesty's Government in the United Kingdom note with satisfaction that the measures taken by them to restore and maintain order in Palestine last autumn appear to have met with the tacit approval of the Mandates Commission and that, in their opinion, the action which has subsequently been taken seems to " afford a guarantee that public order cannot again be seriously disturbed " (paragraph 7 of Report). His Majesty's Government are also glad to note that the Commission consider that the statement of their accredited representative regarding the suspension of certain immigration permits should " dispel the fears which have been expressed in Jewish circles as to the mandatory Power's inclination to discharge in full its obligation to encourage Jewish immigration and to ensure the establishment of the Jewish National Home under the conditions stipulated in the Mandate " (paragraph 7 of Report).

In regard to future policy, His Majesty's Government have duly noted that the Mandates Commission has no objection to raise to the views expressed by the accredited representative regarding the obligations laid down by the mandate in regard to the two sections of the population of Palestine. It is also noted that the Commission appear disposed to acquit His Majesty's Government of any charge of failure in its obligations or its immediate duties in regard to the establishment of a regime of self-government in Palestine ; that the Commission's conception of the immediate duty of the mandatory Power is in accord with that expressed by the accredited representative and that, generally speaking, the mandatory Power's conceptions as regards future policy in Palestine are not called in question by the Commission.

In the first part of the Report, however, it is observed that numerous and, in some cases, somewhat serious criticisms are levelled by the Permanent Mandates Commission against the mandatory Power in respect of its policy during the past quinquennium. Perhaps the most important criticism is that expressed particularly in paragraph 6 — that the partial inaction of the mandatory Power as regards its obligations to the Palestinian population, both Arab and Jewish, is the fundamental cause of the friction which eventually culminated in the serious disorder of August 1929. Particular emphasis is laid upon the alleged failure of His Majesty's Government to promote agricultural and educational development and a more extensive programme of public works, and to encourage co-operation between Jews and Arabs, as a cause of dissatisfaction on the part of the Arabs with the mandatory regime. This criticism is the more surprising in view of the fact which was brought out by the accredited representative at the tenth meeting of the seventeenth session of the Permanent Mandates Commission that, since the acceptance by His Majesty's Government of the Palestine Mandate, the comments of the Permanent Mandates Commission upon the British administration, based upon an examination of Annual Reports and of information supplied year after year by accredited representatives, cannot be said to have foreshadowed in any way the charges now brought against the manner in which the mandatory Power has been carrying out its obligations.

In paragraph 4 of their Report, the Permanent Mandates Commission state that the resentment which caused the Arabs to commit excesses was " ultimately due to the political disappointments which they attributed to the parties concerned in the mandate and primarily to the British Government ". Nevertheless, in paragraph 6, it is argued that a more active policy on the part of His Majesty's Government in promoting the interests of the Arabs in the social and economic spheres, and in bringing the two sections of the population — Jewish and Arab — into close association, would have blunted the edge of antagonism. Such an argument appears somewhat inconsistent with the passage quoted from paragraph 4. It fails to take account of the paramount importance hitherto attached by the Arab leaders to the political issue, and it ignores the fact that the demands of the Arabs have always been for a particular form of representative institutions which would be plainly incompatible with the execution of the mandate. The repeated offers of His Majesty's Government to associate Arabs and Jews in a form of representative government which would be compatible with their mandatory obligations have always been rejected by the Arab leaders. The difficulties created for the mandatory Power by this attitude on the part of the Arabs seem to be inadequately appreciated by the Mandates Commission, although they were more than once brought to their notice by the accredited representative.

Moreover, His Majesty's Government desire to emphasise the fact that the obligation imposed on them by the mandate is of a complex character, as is shown by the wording of Article 2 :

> " The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home as laid down in the Preamble ; the development of self-governing

institutions ; and for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race or religion."

Nevertheless, on page 9 of their Report, the Permanent Mandates Commission refer to the " immediate obligation " of the Mandatory as being defined in the mandate in the following terms :

" 1. Placing the country under such . . . conditions as will secure the establishment of the Jewish National Home ;

" 2. (Placing the country under such conditions as will secure) the development of self-governing institutions."

It is remarkable that no reference is made by the Mandates Commission in this connection to the important qualification already quoted from Article 2 of the Mandate, namely, that the Mandatory shall also be responsible for " safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion ".

This, in the opinion His Majesty's Government, is the core of the problem. Although the difficult nature of their task is elsewhere to some extent recognised, the bearing of this particular obligation upon the problem of devising measures which would admit of the increasing development of the two races side by side is largely ignored.

His Majesty's Government note that the findings of the Shaw Commission on questions of fact, such as the causes and responsibility for the outbreak, have been in some cases ignored and in others called in question. Whatever view may be taken as to the conclusions arrived at by the Commissioners, their verdicts on questions of fact, coming, as they do, from so authoritative a source, and based, as they are, upon actual evidence tested by rigorous cross-examination, make surprising the attitude towards them of the Mandates Commission. This is the more striking when contrasted with the fact that at the same time criticisms taken from a Jewish memorandum (which reached the mandatory Power too late for an accompanying comment to be made upon it) have been adopted, and when it is freely admitted by the Commission that account has been taken of criticisms from various sources upon which also no opportunity of comment could be open to the mandatory Power.

Allusion was made to this point by the accredited representative at the sixth meeting of the Mandates Commission.

Generally speaking, pronouncements on the charges of Arabs against Jews and of Jews against Arabs have been omitted from the report as ultimately held to be outside the scope of the Mandates Commission, although they were discussed at length in the proceedings. The mandatory Power has, in consequence, been made to appear as the only one of the parties concerned who is deserving of criticism.

The manner in which *ex parte* statements reflecting on the conduct of His Majesty's Government have been adopted by the Commission, while the considered judgments of the Shaw Commission, based on an exhaustive enquiry on the spot and upon evidence which had been subjected to searching cross-examination by eminent counsel, have been dismissed as untenable or have been ignored, suggests that undue weight has been given to criticisms of the Mandatory which His Majesty's Government had insufficient opportunity of rebutting, or in some cases none at all. His Majesty's Government cannot but feel that protest is called for against the procedure of the Commission in basing much of their criticism on information drawn from such sources.

It is now proposed to comment, in some detail, on the criticisms contained in the Commission's Report. In the fifth sub-paragraph on page 4, the Permanent Mandates Commission state that they dissent from the definite conclusion of the Shaw Commission that the outbreaks were not premeditated. The suggestion of the Mandates Commission is supported by reference to various passages in the Shaw Commission's Report. It should, however, be pointed out that, after taking into account the facts which came to their notice (such as the absence of simultaneous action in different parts of the country and the fact that there was no interference with communications by the cutting of telegraphs, blocking of roads, destruction of bridges and railway lines), it was the considered judgment of the Shaw Commission, who had much tested evidence before them, that :

" The outbreak was not premeditated.

" Disturbances did not occur simultaneously in all parts of Palestine, but spread from the capital through a period of days to most outlying centres of population and to some rural districts."

This view has been accepted by His Majesty's Government, who cannot but feel that, considering the exhaustive nature of the enquiry and the care with which evidence was collected and sifted by the Shaw Commission and exhaustively dealt with in cross-examination, the grounds on which the Permanent Mandates Commission differ from the conclusion arrived at are scarcely adequate.

These grounds are solely certain statements made by the Shaw Commission themselves, in a variety of contexts. It is obvious that all these points, cited as inconsistent with the conclusion arrived at, were necessarily taken into account by that Commission and their importance carefully appraised by them, before they arrived at the considered opinion which the Permanent Mandates Commission, without any further evidence before them except *ex parte* and untested statements, seem inclined to call in question. This point is mentioned, as it has a bearing upon a later paragraph of the Report, reference to which will subsequently be made.

It may be added that the whole question has already been dealt with in the memorandum submitted by the accredited representative in reply to the statement of M. Van Rees.

In the next few sentences of their Report (paragraph 5 on page 4), the Mandates Commission argue that the Shaw Commission were wrong in holding that the outbreak was not an outbreak against British authority. His Majesty's Government do not find any evidence of that view. It may be that the outbreak was " ultimately due to political disappointments ". The evidence to which the Permanent Mandates Commission refer in support of their view is apparently the protest by various Arab authorities against the fundamental position in Palestine, as fixed by the mandate itself. These protests are not in any sense protests against British authority, but are protests against the mandate and the action of the League of Nations. British authority is only implicated as being the mechanism by which the mandate is worked. On this point, the Permanent Mandates Commission has pronounced its opinion in the following words :

> " To all the sections of the population which are rebelling against the mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause, the mandatory Power must obviously return a definite and categorical refusal " (paragraph 6, page 7, of Report).

Whatever may have been the attitude of the Arab leaders, the significant fact remains that, during the disturbances, no attack was made or attempted on the local representatives of British authority. This fact, which speaks for itself, and which was directly brought to their notice by the accredited representatives, finds no place in the Report of the Permanent Mandates Commission.

In paragraph 5 of the Report, certain conclusions are formulated regarding the responsibility of the mandatory Power and the Palestine Government for the immediate causes of the outbreak. The first conclusion condemns the Government for not having defined the *status quo* in regard to the Wailing Wall before the disturbances. It is suggested that detailed regulations, such as were issued by the Palestine Government after the outbreak, might have been promulgated at an earlier date with favourable effect.

It was, however, obviously the right course for the Government, in matters of a religious nature (especially having regard to the doubtful juridical position created by the failure — for which His Majesty's Government can accept no responsibility — to establish the Holy Places Commission announced in the mandate itself), to try to arrive at a definition of the *status quo* by agreement rather than to impose it. That is exactly what the Palestine Government were attempting to do before the outbreak. The delay which, in fact, occurred was due to the failure of one of the parties to the dispute to comply promptly with the request that they should submit their claims with the evidence on which they were based, and also partly to the necessity for obtaining authoritative legal advice on certain points connected with the powers of the Palestine Government under the mandate. The position was explained by the accredited representative at the third and ninth meetings of the Commission. In this connection, it should be recalled that in July 1929, only a month before the disturbances, Sir John Chancellor, who had been continuously seeking to obtain information as to the nature of the " rights " involved, explained to the Mandates Commission what action he was taking with regard to the Wailing Wall, and the Chairman congratulated the High Commissioner " upon having done all in his power to obtain a fair and satisfactory solution of the problem " (see page 94 of the Minutes of the Fifteenth Session). It would appear inconsistent for the Mandates Commission to take the view that the policy, of which they expressed approval in July 1929, was in August 1929 entirely wrong.

The third conclusion of the Commission is that the Palestine Government was, in several instances, taken by surprise by events, and, in this connection, the Commission refer to the inadequacy of the Intelligence Service. The inadequacy of this Service has already been recognised and steps are being taken to remedy it. The force, however, of this conclusion depends largely upon the acceptance of the view expressed by the Mandates Commission that there was premeditation. The Shaw Commission, after elaborate enquiry and examination of witnesses, held that this was not the case. If there was, in fact, no premeditation, it is, of course, not unnatural that the local authorities should have been taken by surprise by the events which occurred.

Conclusion *(d)* refers to the inadequacy of the armed forces at the disposal of the local Administration. His Majesty's Government must point out that (as was explained by the accredited representative at the fourth meeting of the Commission) the reduction was carried out on the advice of a High Commissioner to whose knowledge of the country was added the experience acquired during a distinguished military career ; that the reduction was a step in the direction of establishing civil government on more normal lines than before ; and that it had the advantage of making available for the development of the country funds which would otherwise have been expended on defence. Nevertheless, in the light of subsequent events, it cannot be denied that the forces immediately available were inadequate to deal with sudden and widespread disturbances. But when the Commission goes on to say in its Report that it had " several times " drawn the attention of the Mandatory to the danger of excessive reduction of British Forces, His Majesty's Government feel bound to point out that the sole reference quoted in support of this statement is the passage in the Report of the ninth session (June 1926), which runs as follows :

> " The Commission note with satisfaction that the political unrest in the country is decreasing, and that order has been preserved in all parts of Palestine. The Commission

does not doubt that the mandatory Power will always have at its disposal local forces capable, by their composition and number, of preventing any trouble which might constitute a menace to any part of the population".

The only other reference in reports of the Commission which can be traced occurs in the Report of the seventh session (October 1925) and runs as follows :

" The Commission notes with satisfaction that the peace and order existing in Palestine has enabled the mandatory Power to maintain only a very small armed force in the territory. "

The Mandates Commission were fully informed as to the strength of the forces stationed in Palestine, and, when they were considering the Palestine Report only a month before the outbreak, they gave no indication that they regarded those forces as inadequate. It is difficult to see how the statements in the reports of the Permanent Mandates Commission already quoted can, in the light of subsequent events, be converted into serious warnings against the danger of an inadequate garrison.

The third sub-paragraph of the conclusion *(d)* runs :

" As might have been expected in a country where explosions of religious and racial events have constantly threatened the public peace, there was a defection on the part of the native contingent as soon as the rioting brought the two races into conflict."

His Majesty's Government are not aware of the grounds on which the Mandates Commission regarded such a result as expected. The Commission have all along known the composition of the Palestine police force and the various changes which have taken place in it. If it was to be expected that such a force would prove to be unreliable when tested, it is to be regretted that the Commission did not warn the mandatory Power of the danger which it was incurring. To maintain order in a territory by a police force from which the inhabitants of that territory are excluded is a policy which His Majesty's Government, in the light of long and varied experience, are unable to view with favour and which is open to objection on political, administrative and financial grounds. They feel that they were justified in adopting, in the case of Palestine, a system which has been attended with success in many other territories, and which they have still reason to hope will prove successful in Palestine.

Paragraph 6 of the Report contains various charges, the substance of which would appear to be that the mandatory Power has failed, in important respects, to carry out the mandate. In taking this view, the Mandates Commission appear to have accepted the more extreme Jewish contentions regarding the meaning and object of the mandate. The duty imposed on the mandatory Power is not to establish the Jewish National Home in Palestine. This is the function of the Jews themselves, directed by the Jewish Agency. The mandatory Power is " responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home . . . and the development of self-governing institutions and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion ". The difficulty, serious enough in itself, in fulfilling the first two objects is further increased by the addition of the third.

In paragraph 8 (page 9), the Commission express the opinion that " in the interests of the restoration of a peaceful atmosphere in Palestine, the time has come to define the legal foundation " of the assertion that the obligations laid down by the mandate in regard to the two sections of the population are of equal weight. His Majesty's Government fail to see how any ambiguity in the terms of the mandate can be removed by any act of the Palestine Government or of the mandatory Power. His Majesty's Government would, however, welcome any elucidation of the suggestions of the Mandates Commission which the Council may care to offer.

The further charge that His Majesty's Government have failed in their mandatory obligations *vis-à-vis* the Arabs by neglect of agricultural and other development is one which His Majesty's Government feel they must deal with at greater length. The Mandates Commission seem to imply that a proper development policy would have so increased the general productivity, prosperity and contentment of the population as to reconcile the Arab section of the community to a progressively increasing inflow of Jewish immigrants. Having regard to the unpromising local conditions, such a view assumes that practically unlimited funds for this purpose are at the disposal of the Palestine Government. Their resources, on the contrary, are strictly limited. It implies, moreover, a fundamental misconception of the general policy of His Majesty's Government with regard to the territories for which they are responsible. It has been their consistent aim, justified by long experience, to emancipate as soon as possible such territories from dependence upon grants-in-aid from the British Exchequer. If a territory is to be developed on sound economic lines, it must be, in the opinion of His Majesty's Government, on the basis that it is self-supporting. It is true that until recent years it has been necessary to assist the Government of Palestine by grants from the British Exchequer. In fact, the expense which has fallen on His Majesty's Government in connection with the mandate has not been inconsiderable. Taking only the period since 1921, when the present system of administration (*i.e.* control by the Secretary of State for the Colonies) was inaugurated, the sums provided by His Majesty's Government have amounted to more than nine million pounds

sterling. This expenditure naturally includes the cost of defence of the territory ; in addition a loan of £4,500,000 was raised by the Palestine Government in 1927 on the guarantee of His Majesty's Government for expenditure upon railways, harbour construction, port improvements and other public works.

It should further be pointed out that any policy of development in Palestine must take account of the obligations imposed by the mandate. This was recognised by the Permanent Mandates Commission in 1924, when, in the Report on their fifth session, they write as follows :

> " It is obvious that if the mandatory Power had only to take into consideration the interests of the population, its immigration policy ought to be dictated primarily by considerations of the economic needs of the country. It is, moreover, equally clear that if the mandatory Power had not to take into account the interests of the Arab population, and if its sole duty was to encourage Jewish immigration in Palestine, it might be in a position to pursue an agrarian policy which would facilitate and expedite to a greater extent than its present policy the creation of a Jewish National Home."

If account is taken of the foregoing general considerations, His Majesty's Government feel that it may justly be claimed that they have not been neglectful of their obligations in regard to development. No reference is contained in the report of the Permanent Mandates Commission to the work which has already been done in this direction by the mandatory Power in developing and improving conditions in Palestine. Previous to this Report, the Mandates Commission have at no time expressed any dissatisfaction with the progress attained.

Some details as to the work of the Palestine Administration will be found in the Appendix to this memorandum.

The foregoing paragraphs deal with the more serious criticisms levelled against His Majesty's Government by the Permanent Mandates Commission. The last part of their Report, dealing with future policy, will be further considered by His Majesty's Government.

Appendix.

The following is a brief account of some of the activities of the British Administration, information as to which has been available to the Mandates Commission in reports published by His Majesty's Government :

The successive reports by His Majesty's Government to the League of Nations reveal the increased benefits enjoyed by the inhabitants of Palestine as the result of the Government's activities in matters of education, agriculture, communications (roads, posts and telegraphs), health, sanitation, land tenure, etc.

These are described down to 1925 in the Report of the High Commissioner, 1920–1925, which was published as Colonial No. 15 by His Majesty's Stationery Office, and copies of which were transmitted to the Secretariat of the League of Nations.

Education is dealt with on pages 13 and 14 of that Report. It will be seen that, as the result of the steps taken by the Government, 190 new schools were established during the period under review. Practically all of these were Arab schools.

So far as concerns agriculture, the loans issued to cultivators in these years went far to save the situation for the agriculturists of Palestine. The activities of the Department of Agriculture and Forests during that period were also clearly of great benefit to the agriculturists. Particular reference is invited to the measure taken with regard to tobacco cultivation, referred to on page 17 of the Report. At the same time, steps were taken by the Palestine Government to improve and extend the road and railway systems. The postal services before the war were largely maintained by agencies established by certain of the European powers ; the telegraph system was restricted, and telephones non-existent. It is no small advance that a complete system, modelled on the British Post Office, has been established for these three purposes.

Nowhere was there a more pressing need for action, and nowhere has greater progress been achieved than in the sphere of public health. The Report already referred to describes the steps taken by the Government to combat malaria and other diseases. The following passage may be quoted in connection with anti-malarial measures :

> " What has already been accomplished is a source of deep satisfaction to the Government and to the bodies co-operating with it. The results have been of incalculable benefit to the people. They are the best argument and the strongest incentive to further effort on the same lines."

The land system of the country was left by the Turks in a state of complete confusion, and steps were taken for the commencement of a proper land settlement, a definite registration of titles and a re-valuation.

Further reference to the benefits derived by the population as a whole is made on page 41 of the Report in the following terms :

> " Under their (administrative officers') auspices, there were signs of progress such as had been unknown before. Nearly 200 villages could show new schools. Roads were being constructed in every direction. Several villages were provided with new water supplies. Fresh land was being brought under cultivation. Agricultural experts gave useful advice. Tobacco growing was encouraged. Robbers were put down. Old blood feuds were settled."

In the following paragraph, the High Commissioner referred to the steps which had been taken to secure the permanent settlement on lands in the Jordan Valley of certain tribes of Bedouin who were cultivators of the lands.

As regards the period subsequent to 1925, attention is invited to the Annual Reports on the Administration of Palestine for 1926, 1927, 1928 and 1929.

Section 5 of the Annual Report for 1929 contains a review of the Government's activities in the educational sphere, together with a brief description of the system obtaining at the date of the British occupation. There can be no doubt that there has been a vast improvement in the educational facilities offered by the Government, and the Arabs especially have benefited from this, since the majority of the schools directly maintained and administered by the Government are Arabic schools.

Government activities in matters of agriculture, communications, etc., have continued, and further instances of the benefits derived by the population, subsequent to 1925, are obtainable from the Annual Reports referred to above. In 1926, an outbreak of cattle plague was promptly checked by vigorous measures instituted by the Palestine Government (page 45 of the 1926 Report), while the Entomological Service was engaged in anti-locust campaigns in 1928 and also 1929 (page 71 of the 1928 Report and page 101 of the 1929 Report.) An investigation is being carried out into the question of irrigation (page 96 of the 1929 Report) and an Horticultural Service has been established under the control of a citrus fruit specialist (page 98 of the 1929 Report). An instance of Government assistance to Arab cultivators is afforded by the case of the Bedouin in the Beersheba district, who in 1927 were granted agricultural loans to the extent of £P20,000 (page 52 of the 1927 Report). Further improvements are recorded in the roads and railway systems in the reports for the period under review, while among other measures taken in the interests of public health, there have been established Government ophthalmic clinics (page 36 of the 1926 Report) and child welfare centres (page 42 of the 1927 Report).

The various public works carried out by the Government, and the Haifa Harbour Works which are now in progress, afford employment for both Arabs and Jews.

In addition to the various activities of the Department of Agriculture already referred to, the following items may be mentioned : the establishment of experimental plots and a stock farm, the importation of stallions, bulls, donkeys, sheep, goats and poultry for the benefit of local stock farmers, the provision of expert agricultural advice and of a trained veterinary staff.

An important consideration vitally affecting the development work of the Palestine Administration is the difficulty with regard to the land system already mentioned above. The difficulties of land settlement in Palestine are almost unparalleled, owing to the confusion in which the Land Register was left after the war, as was mentioned by the accredited representative at the tenth meeting of the Commission. Active steps have for a long time been taken to reduce chaos to order in this respect, but it cannot but be a lengthy and complicated process, and many activities, such as the provision of financial assistance for cultivators, must, to a large extent, be dependent upon the progress made towards its completion. It should further be added that considerable misapprehension seems to exist on the question of State or waste lands, the assumption being that large tracts of potentially productive land under the control of the State are at present being kept idle owing to a backward development policy. This is entirely untrue. The extent of State lands available for such a purpose is extremely limited, and in the only case of a considerable area, namely, the Beisan Lands, steps to secure the permanent settlement of Arab cultivators have already been taken.