



PALESTINE

Statement with regard to British Policy

*Presented by the Secretary of State for the Colonies
to Parliament by Command of His Majesty
May, 1930.*

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Policy

*Despatch from the Secretary of State for the Colonies to the High
Commissioner for Palestine.*

DOWNING STREET.

21st May, 1930.

SIR,

I have the honour to transmit to you, for your information, the accompanying copy of a statement with regard to British Policy in Palestine, by the British Accredited Representative at the forthcoming Special Session of the Permanent Mandates Commission. A copy is also enclosed of a letter addressed to the Foreign Office forwarding copies of the above statement for communication to the Members of the Permanent Mandates Commission.

2. Steps are being taken to publish this despatch and enclosure as a Command Paper.

I have, etc.,

PASSFIELD.

Letter from the Colonial Office to the Foreign Office.

DOWNING STREET.

19th May, 1930.

SIR,

I am directed by Lord Passfield to transmit to you, to be laid before Mr. Secretary Henderson, the accompanying copies of a statement with regard to British Policy in Palestine, by the British Accredited Representative at the forthcoming Special Session of the Permanent Mandates Commission.

2. As Mr. Henderson is aware, the Members of the Permanent Mandates Commission have expressed a wish to be furnished with the text of the above statement in advance, if possible a fortnight before the meeting of the Council. Lord Passfield would accordingly be glad if arrangements could be made for copies of the statement as now finally approved to be circulated with the least possible delay to the Members of the Permanent Mandates Commission and to the Secretary-General of the League of Nations.

I am, etc.,

O. G. R. WILLIAMS.

PALESTINE.

Statement by the British Accredited Representative to Permanent Mandates Commission.

1. The Permanent Mandates Commission are aware of the circumstances in which a Special Commission, under the Chairmanship of Sir Walter Shaw, was appointed by the British Government in September last "to enquire into the immediate causes which led to the recent outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence." After an exhaustive investigation conducted on the spot, the Commission presented its report on the 12th March, 1930. The Report was published in Great Britain as a Parliamentary Paper^a at the beginning of April, and copies were at the same time forwarded to the Secretary-General of the League of Nations, for distribution to members of the Permanent Mandates Commission.

2. Following upon the publication of the Report, the Prime Minister of Great Britain made a statement in the following terms in the British House of Commons on the 3rd April, 1930:—

"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.'

"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.

"The Report of the Shaw Commission, which is in the hands of Honourable Members, covers a wide field. The Commission was appointed to consider the immediate causes of the deplorable disturbances of August last, and to suggest means of preventing a recurrence. In endeavouring faithfully to carry out the terms of

^a Cmd. 3530.

reference, the Commission must have found it difficult to draw lines very rigidly. The Government is now studying the various recommendations of the Commission, with a view to dealing with the immediate causes of the outbreak and to preventing a recurrence, and is in consultation with the interests concerned. I wish it to be understood that this statement includes the immediate provision of the police forces required to secure Civil peace under existing circumstances."

3. His Majesty's Government have now given further consideration to the various conclusions and recommendations of the Commission of Enquiry. But before proceeding to the discussion of details, they would wish to offer some preliminary observations of a more general nature. The difficulties arising out of the peculiar character of the Palestine Mandate are well known. There is no need to labour this aspect of the question, since it is one with which the Permanent Mandates Commission are already familiar. It was discussed in detail in the course of the Observations recorded by the Commission (in November 1924) on the first report on the administration of Palestine that came under their examination. The Commission then remarked that, whereas all the other mandates the application of which they had hitherto examined were only intended to give effect to the general principles of Article 22 of the Covenant of the League of Nations, the mandate for Palestine was "of a more complex nature," in that it imposed upon the Mandatory Power a "twofold duty," viz., that of promoting the establishment of a National Home for the Jewish people, in addition to that of administering the country in conformity with the interests of the population as a whole. The result, as the Commission pointed out, was to create a "conflict of interests" between which the balance had to be held. The observations recorded by the Permanent Mandates Commission in November 1924 have lost none of their relevance at the present time. The conflict of interest remains, and the task of holding the balance has certainly not decreased in difficulty. The situation is one of great delicacy, calling for the exercise of all possible patience and circumspection. That it has certain unsatisfactory features, as is pointed out in the Report of the Commission of Enquiry, His Majesty's Government are not concerned to dispute. Rather, they are more concerned to provide a remedy; and to this task they mean to address themselves with all the resources at their disposal. They do not underrate the difficulties. The conditions under which remedial measures can be applied are strictly limited; they are governed by the terms of the Mandate and by the dual obligation which it imposes. Such measures cannot be devised or introduced at a moment's notice. Caution is essential, and the ground must be carefully examined before an advance can safely be made. For these reasons His Majesty's Government are not in a position to formulate precise

and concrete proposals in regard to all the points that the Commission have raised. On some at least of these points they can do no more than indicate provisionally the lines on which they hope to proceed.

4. Turning to questions of detail, His Majesty's Government accept generally the findings of the Commission of Enquiry under the following five heads, viz. :—

- (i) Nature of the outbreak (page 158);
- (ii) Zionist complaints against the Grand Mufti of Jerusalem (pages 158 and 159);
- (iii) Zionist complaints against the Palestine Arab Executive (page 159);
- (iv) Zionist complaints against the Government (pages 159 to 161); and
- (v) Minor Arab grievances (page 163).

His Majesty's Government do not consider that these conclusions in themselves call for special action on their part. It will be noted, in connection with (ii), that Mr. Snell, one of the three Commissioners, in his Note of Reservations, has attributed to the Grand Mufti a greater share in the responsibility for the disturbances than is attributed to him in the Report, and has expressed the view that the Mufti must bear the blame for his failure to make any effort to control the character of agitation conducted in the name of a religion, of which, in Palestine, he was the head (page 172). As to this, reference is invited to the statement made on page 77 of the Commission's Report to the effect that, whatever activities he may have indulged in outside the knowledge of the Government, in public the Mufti, both at noon on the 23rd August and thereafter throughout the period of the disturbances, exerted his influence in the direction of promoting peace and restoring order. On this point, the Report states, there was an absolute unanimity of opinion among the many official witnesses with whom the question of the Mufti's conduct was raised during the course of the Commission's enquiry. Mr. Snell also dissents from the conclusions in the Report "acquitting the Moslem religious authorities of all but the slightest blame for the innovations introduced in the neighbourhood of the Wailing Wall." On this point it is to be observed that the Report (paragraph 7 on page 159) does not purport to assign any specific degree of blame to the Mohammedan authorities. The conclusion which it records is that "in the matter of innovations of practice little blame can be attached to the Mufti in which some Jewish religious authorities also would not have to share." His Majesty's Government do not feel that they can usefully offer any further comments on this branch of the question.

5. It may be convenient to deal in one paragraph with two important economic questions which are closely inter-related, viz., those concerning Immigration and the Land problem. The Conclusions and Recommendations of the Commission of Enquiry on these questions appear on pages 161, 162, 165, and 166 of their Report. Mr. Snell has also expressed certain views and has made supplementary recommendations with regard to these questions in his Note of Reservation. It is in relation to these questions, and to that of immigration in particular, that the dual character of the Mandate assumes its most significant aspect. This was recognised, in effect, by the Permanent Mandates Commission, when, in the course of the Observations of November, 1924, from which quotation has already been made, they selected the problem of immigration ("perhaps the dominant issue of the present situation in Palestine") as best illustrating their general exposition upon the operation of the Mandate. The following passage from the Observations states the problem so clearly that it may be quoted in full :—"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." That, stated succinctly, is the dilemma which has confronted, and still confronts, the Mandatory Government. The policy which they have adopted, and which they had endeavoured to follow, is based upon the principle that immigration shall "not exceed the economic capacity of the country at the time to absorb new arrivals." The soundness of this principle will hardly be challenged; but its practical application is not without difficulty. The absorptive capacity of the country must be correctly gauged; everything turns upon that. But to gauge it correctly, many intricate considerations of land settlement, development, etc., must be taken into account; and the margin for miscalculation is necessarily wide. If there have been mistakes in the past, they must be avoided in future. But the question is too important, and too vital to the prosperity of Palestine, to be tackled hastily or without due consideration. His Majesty's Government have felt unable to formulate specific proposals without further expert examination of the whole problem in all its aspects. A highly qualified investigator has accordingly been appointed to proceed to Palestine on a temporary mission, in order to confer with the High Commissioner and report to His Majesty's Government on land settlement, immigration, and development. For this Mission Sir John Hope-Simpson, who is employed under the League of Nations as Vice-Chairman of the Refugee Settlement Commission in Greece, has been selected. He is now on his

way to Palestine. The whole question of future policy in regard to immigration, land settlement and development will be considered and determined on receipt of Sir J. Hope-Simpson's report. In the meantime, temporary measures are being taken with a view to safeguarding the position of certain elements in the population of Palestine. The question of a temporary suspension of immigration is under examination; and legislation is to be introduced with the object of controlling the disposition of agricultural lands in such a manner as to prevent the dispossession of the indigenous agricultural population. These temporary measures will be superseded in any case by such permanent enactments as may be decided upon when future policy is determined in the light of Sir J. Hope-Simpson's report.

6. His Majesty's Government are also making enquiries with regard to the statement on page 161 of the Report (paragraph 30), that the selection of immigrants under the Labour Schedule ought not to be entrusted to the General Federation of Jewish Labour in Palestine. They are further in consultation with the High Commissioner for Palestine regarding the question, referred to at (c) on page 166 of the Commission's Report, of providing credit facilities for Palestinian agriculturists.

7. On the important subject of constitutional development, the Commission of Enquiry have made no formal recommendation, beyond urging that when the question again comes under review, regard should be had to their conclusion that the absence of any measure of self-government greatly aggravated the difficulties of the local administration. This is a question in which the Permanent Mandates Commission have from the first displayed an active interest. In their original Observations of November, 1924, they expressed their appreciation of "the persistent efforts of the High Commissioner to secure the co-operation of the Arab majority in the central administration of the country." A year later, in October, 1925, they expressed the hope that "an extension of co-operation, particularly in the conduct of municipal and district affairs" might become possible in the near future. Further references to the subject appeared in the Commission's "Observations" both of June, 1926, and of July, 1927. The position, stated quite briefly, is as follows: The questions of "self-governing institutions" and of "local autonomy" are dealt with in Articles 2 and 3 respectively of the Palestine Mandate. Article 2 makes the Mandatory responsible for placing the country under such political, administrative and economical conditions as will secure (*inter alia*) "the development of self-governing institutions." Article 3 requires the Mandatory, so far as circumstances permit, to encourage local autonomy. The steps taken for the establishment of municipal and local Councils in Palestine are well known to the Commission. Nor is it necessary to refer in detail to the attempts that have been

made in the past to introduce a measure of self-government for the country as a whole. These attempts are fully described in the Report of the Commission of Enquiry. It will be apparent that the absence of any such measure of self-government in Palestine is not due to any lack of good will on the part of the Mandatory Power. It must be a primary condition of any constitutional change in Palestine that the Mandatory Government should reserve to itself the power of carrying out the obligations imposed upon it by the Mandate. The question formed the subject of conversation with the Delegation of Palestinian Arabs which lately came to England for the purpose of representing their views on future policy in Palestine. It has been made clear to the Delegation that no measure of self-government could be considered which was not compatible with the requirements of the Mandate. The matter is, of course, one which also deeply concerns the Jewish Agency.

8. On page 163 of the Report, the Commission expressed certain views on the difficulties inherent in the Mandate. Their recommendations on this point, as recorded on pages 164 and 165, include the issue of a clear statement of policy—

(1) containing a definition in clear and positive terms of the meaning which His Majesty's Government attach to the passages in the Mandate for the safeguarding of the rights of the non-Jewish community in Palestine; and

(2) laying down, for the guidance of the Government of Palestine, directions more explicit than any that have yet been given as to the conduct of policy on such vital issues as land and immigration.

The statement of British policy in Palestine, of which a copy is reproduced on pages 196-199 of the Report of the Commission, was issued in 1922. The administration of the country has since been conducted on the general lines laid down in that statement, except that, for reasons already explained, the proposed Legislative Council has never been brought into being. His Majesty's Government do not challenge the view that a further and more explicit statement of policy is required; and it is their intention in due course to issue such a statement. Since, however, no such statement could be adequate or complete which ignored the vital questions of land settlement, immigration and development, it will be necessary to await the Report of Sir J. Hope-Simpson before giving effect to the Commission's recommendation. Their further recommendations relating to the functions of the Zionist Organization and to the Palestine Zionist Executive (page 167 of the Report) will also be adopted when the proposed statement is drawn up.

9. As regards defence and security, the Commission on page 163 of their Report have expressed the view that the policy of reducing the garrison in Palestine and Trans-Jordan was carried out too far. In this connection the remarks made on page 157 of the Report

should be borne in mind. As is there admitted, the presence of troops or of British police in larger numbers on the 23rd August, 1929, would not necessarily have prevented an outbreak. The experience of April 1920 and May 1921, when racial disturbances occurred despite the strength of the garrison, points the other way. His Majesty's Government have at present under their earnest consideration the question of the composition and strength of the garrison to be retained in Palestine in the future. In the meantime, they do not propose to disturb the existing garrison of two battalions of infantry plus units of the Royal Air Force. Arrangements have also been made with a view to ensuring the despatch of reinforcements to Palestine with the least possible delay if need should arise. As regards the police, effect has already been given to recommendation (c) on page 168 of the Commission's Report, that an independent enquiry should be made by an experienced police officer from some other dependency into the organisation of the Department of Police in Palestine. The officer selected for this enquiry, Mr. H. L. Dowbiggin, Inspector of Police, Ceylon, arrived in Palestine in January, and his final report is expected shortly. In the meantime, an additional 400 British police have been recruited for Palestine, and steps have been taken to increase the mobility of the British police. Mr. Dowbiggin has presented an *ad interim* report on the specific subject of the protection of outlying Jewish colonies; and action is being taken on the lines recommended by him. A further increase in the number of British and Palestinian police is involved, and a scheme of defence, including the establishment and control of sealed armouries, is being brought into force. His Majesty's Government are fully satisfied as to the need for sealed armouries; without them, the adequate defence of the colonies can be ensured only at a prohibitive cost. The question of improving the Intelligence Service and of forming a reserve of special constables, which formed the subject of the recommendations in paragraph 53 on page 167 and paragraph 55 (d) on page 168, are being taken up with the High Commissioner for Palestine.

10. With regard to the recommendation in paragraph 50 on page 166, the Permanent Mandates Commission are no doubt aware that the Council of the League have approved of the appointment of a Commission to define and determine Jewish and Moslem rites at the Western or Wailing Wall.

11. There remain the recommendations in paragraph 52 on page 167 under the heading "Press Incitement." The High Commissioner has at present under consideration the enactment of legislation to provide for the better control of the Press. The suggestion made in paragraph 52 (b) will be duly considered in this connexion. The High Commissioner's attention will also be drawn to the remarks on Press incitement included in the Note of Reservations by Mr. Snell (page 181).

May, 1930.