

THE JEWISH AGENCY FOR PALESTINE

OBSERVATIONS

on the

SUPPLEMENTARY MEMORANDUM

by the

GOVERNMENT OF PALESTINE

INCLUDING NOTES ON EVIDENCE GIVEN TO THE
UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE
UP TO THE 12th JULY, 1947

*SUBMITTED TO THE UNITED NATIONS
SPECIAL COMMITTEE ON PALESTINE*

JERUSALEM, AUGUST 1947

PRINTED IN PALESTINE

THE JERUSALEM PRESS LTD.

CONTENTS

	page
OBSERVATIONS ON CHAPTER II OF THE SUPPLEMENTARY MEMORANDUM	5
A. Mr. M. Shertok's Evidence	5
B. Mr. D. Ben Gurion's Evidence	8
C. Mr. F. Bernstein's Evidence	13
D. Mr. E. Kaplan's Evidence	20
E. Dr. A. Katznelson's Evidence	23
OBSERVATIONS ON CHAPTER V OF THE SUPPLEMENTARY MEMORANDUM	31

OBSERVATIONS ON CHAPTER II OF THE SUPPLEMENTARY MEMORANDUM

A. MR. M. SHERTOK'S EVIDENCE

1. "In only 5 per cent of Palestine were the Jews free to buy land."

The fact that this statement is selected in the Supplementary Memorandum (para. 1*) as a subject for comment, and the whole trend of the comment, connote an attempt to disprove it or at least to tone down its implications. Yet the comment contains nothing contradictory to the statement. The figures given for the respective areas of the Prohibited, Regulated and Free Zones show precisely that under the present Regulations the Jews are free to buy land only in 4.9% of Palestine. Actually Mr. Shertok's figure of 5% is a marked under-statement; since nearly half of the Free Zone was already in Jewish ownership when the Regulations were promulgated, the Jews were in fact left free to buy land only in 2.6% of the country's area.

The comment in the Supplementary Memorandum begins by pointing out that "the Beersheba sub-district, containing what is commonly known as the Negeb, is approximately 48 per cent of Palestine", and that "of its area of 12,576 sq. kms. only some 1,640 sq. kms. are regarded as cultivable." This explanation is probably offered by way of showing that the loss of settlement opportunities inflicted on the Jews is not so grave as the latter claim. Actually, instead of serving as a justification or extenuation of the prohibition, the statement is its most formidable indictment, for why should the Jews be denied a chance of trying to put to some useful purpose land given up by others as totally useless?

The statement in the Supplementary Memorandum that "the areas owned by Jews in the three zones are approximately equal" is inaccurate and irrelevant: inaccurate because the actual areas owned by Jews (30/6/47) are 427,000 dunams in Zone A, 572,000 dunams in Zone B and 623,000 dunams in the Free Zone; irrelevant because the fact that by 1939 the Jews had acquired 6% of the land of Palestine is no justification whatever for subjecting them from that year on, in violation of the Mandate, to racial discrimination regarding land acquisition.

* References throughout are to paragraphs in Chapter II of the Supplementary Memorandum, containing "Notes on Statements by Jewish witnesses."

The statement that "the Jews hold over 15 per cent of the cultivable area of Palestine, mostly on the plains, where the best land lies," is, for the same reason, again irrelevant, apart from being misleading. The experts of the Jewish Agency differ very substantially from those of the Government in their estimates of cultivable land. According to the Jewish Agency's estimates, Jewish lands form a considerably smaller proportion of the cultivable total than 15%—probably not more than 10%. Moreover, even on the Government's own showing, since a considerable part of Jewish land was originally of the kind regarded by the Government as uncultivable, the figure of 15% is unduly high. For accuracy, like must be compared with like, i.e. Jewish land originally cultivable must be set against the cultivable total, and land originally uncultivable, according to the Government's definition, against the uncultivable total. But to lump all Jewish lands together and work out the proportion they form of the cultivable total alone is to come dangerously near to what is usually described as juggling with figures.

The comment of the Supplementary Memorandum concludes by saying that "in regard to statements that no State Domain land is allocated to Jews, it should be mentioned that 190 square kilometres of State Domain lands are leased to Jews." The statement attributed here to the Jewish Agency representative is inaccurately quoted, and the rejoinder is misleading. What Mr. Shertok said in his statement at the 8th meeting was that "in the distribution of State lands fit for cultivation we were almost completely left out." The operative words "fit for cultivation" were disregarded by those who quoted the statement. On the other hand, the exact composition of the seemingly imposing total of State lands leased to Jews has been explained repeatedly—on the last occasion in the observations submitted by the Jewish Agency to the Anglo-American Committee of Inquiry concerning the Government's "Survey of Palestine." Yet the Government, in complete disregard of the criticism, persists in quoting the bald, and therefore misleading, total. Let it therefore be pointed out once more that the total of 181 (not 190) sq. kms. comprises 85 sq. kms. of desert and saline land leased to the Palestine Potash Corporation which, incidentally, is by no means a purely Jewish enterprise by reference either to its shareholders or to its labour force; 57 sq. kms. forming the Huleh Concession, of which area, acquired by the Jews direct from the Arab absentee concessionaries against payment of an exorbitant price, 41 sq. kms. are marsh or under water, while the remaining 16 sq. kms. were to be ceded to Arab cultivators; 25 sq. kms. of sands and swamps at Caesaria and Kabbara originally leased from the Ottoman Government; 3½ sq. kms. of uncultivable land belonging to the Athlit salt company; 2½ sq. kms. belonging to the Mikve Israel Agricultural School which were received from the Ottoman Government more than 75 years ago; and 12 sq. kms. of sand dunes along the sea-shore at Tel Aviv, Nathanya and Haifa Bay fit

only for housing purposes. It will thus be seen that of State Domain lands leased to Jews only about 12 sq. kms. were fit for cultivation, as against more than 500 sq. kms. of cultivable State lands leased or transferred to Arabs.

2. "Arab tenants, when they had to be removed, were in every case re-settled elsewhere."

On this the comment of the Supplementary Memorandum (para. 2) is that "re-settlement of dispossessed Arabs has been carried out by the Government and in some cases by the Palestine Jewish Colonisation Association." Implied in the comment is a refutation of the claim that it was the Jewish Agency which had re-settled the displaced Arabs. But the Jewish Agency has never claimed anything of the sort. What it did claim, and still does, is that the tenants who had to be removed from land acquired by the Jewish National Fund *were re-settled*, and that the J.N.F. saw to it that they should be re-settled. This claim was vindicated by the results of the Displaced Arabs Inquiry carried out in 1932, by which time the acquisition of land from the big absentee landlords in the Emek had been largely completed. No serious problem of displacement has since been created by any further land purchase. The Government's statement that "in areas where there has been large Jewish buying, such as in the Haifa District, Eastern Galilee and Beisan, there are numbers of landless Arabs for whom the Government is still endeavouring to find land for cultivation" is entirely unsubstantiated. Who are these Arabs? How many are they? Has it been proved that their landlessness was caused by Jewish land purchase? Above all, why does the Government have to look for land at a time when it has unoccupied agricultural land in its possession? In its Memorandum No. 11, page 37, to the Palestine Royal Commission it stated that it had acquired 17,868 dunams in the sub-districts of Jenin and Beisan for the re-settlement of landless Arabs. It has so far allocated, according to its own reports, 1,515 dunams to 40 families in Beisan and 4,000 dunams to another 40 families in Jenin. Many of these families are known to have "deserted." Anyhow, 12,353 dunams remained unallocated. Of these, 2,762 dunams were exchanged against Jewish land elsewhere (at Ma'lul) which was required for local Arab needs. The Government is still left with a balance of nearly 10,000 dunams of cultivable land which includes the well-known Ashrafiya area in Beisan—5,000 dunams of excellent soil, all irrigable. With land capable of accommodating hundreds of agricultural families available, why the quest for more? The concluding sentence of the Government's comment—"It is a fact that in some districts further Jewish settlement will cause landless Arabs"—is a mere unsubstantiated assertion. A conjecture as to what is likely to happen in the future cannot be represented as a "fact."

B. MR. D. BEN GURION'S EVIDENCE

3. The Supplementary Memorandum (para. 3) states:

"Had it not been for the defence of Palestine undertaken by the Mandatory during the 1939-45 war, the National Home would have disappeared. That defence, with the responsibilities of feeding and supplying the people of Palestine, was for a long period undertaken by the British Commonwealth alone."

The facts as stated are correct, but the implications are misleading. Britain defended the Middle East, including Palestine, for the perfectly legitimate reasons of British imperial and major world strategy; not out of special consideration for the Jewish National Home. If major strategy and the changing fortunes of war had necessitated a British withdrawal from Palestine, Britain would have accepted the military necessity. Indeed, preparations for the possible eventuality of such a withdrawal were on foot at a certain stage of the war with the full cooperation of the Jewish Agency. The Jews on their part did their utmost, militarily and industrially, to assist Great Britain to defend Palestine and the Middle East and to help in the war against Hitler in other theatres. They did so not because of any duty to cooperate with the Mandatory as such, but for reasons of war partnership. Actually, their military contribution was discouraged and curtailed by the Government's anti-recruiting policy dictated not by military, but by political considerations, which were rooted in the White Paper of 1939. In so far as Britain's policy as the Mandatory was concerned, her efforts during the war were directed, as they have been since the war, not to the promotion but to the restriction of the development of the Jewish National Home. The profound admiration which the Jews feel for the courage and steadfastness shown by the British people in carrying alone the titanic burdens of the war at home and abroad during its darkest period cannot diminish the bitterness engendered in their hearts by the policy which in the darkest hour of modern Jewish history prevented the rescue of the doomed Jews of Europe and inflicted on the Jewish National Home the intolerable affront of a Pale of Settlement.

With regard to the nature and validity of the Mandatory's obligations, the Supplementary Memorandum makes much of the fact that the Mandate itself does not constitute "a law capable of enforcement by the Courts" and that legislative powers are vested in the High Commissioner by order of His Majesty in Council. What is here glossed over is the fact that the original Order in Council of 1922 expressly provided that no law might be passed which was repugnant to the provisions of the Mandate, but that this provision was set aside by an amendment to the Order in Council of 1939 which gave specific authority to the High Commissioner to pass the Land Transfers Regulations designed to give effect to the White Paper of 1939—a pro-

cedure which was tantamount to an admission by the Mandatory Government that the Regulations were, in fact, repugnant to the Mandate. A most singular theory is here advanced in justification of the departure from the Mandate, viz. that if the White Paper policy were contrary to the mandatory obligations imposed by the Principal Allied Powers, "diplomatic representations would no doubt have been made by the Powers concerned," while "in fact, no such representations have ever been received." An illegal act does not become legal merely because its legality has not been challenged. In fact, the illegality of the act was established by the Permanent Mandates Commission, as will be shown below.

4. "Great Britain is here as a mandatory to give effect to the internationally guaranteed pledges given to the Jewish people in the Balfour Declaration."

The Supplementary Memorandum (para. 5) takes exception to this statement of Mr. Ben Gurion's by reference to the fact "that the Mandate also imposed specific obligations towards the Arabs, and with regard to the Holy Places" as well as to "the general obligations to give effect to Article 22 of the Covenant of the League of Nations." But if texts matter, then it must be pointed out that the Mandate imposed no "specific obligations" whatsoever "towards the Arabs," with the exception of the obligation to recognise Arabic as an official language. The reference to the Holy Places in this context is either meaningless or sinister, for in what way can the development of the Jewish National Home conflict with the inviolability of the Holy Places, unless such a conflict is to be deliberately conjured up? As to the theory that, apart from the provisions of the Mandate, the Mandatory is, in regard to Palestine, under a general obligation to give effect to Art. 22 of the Covenant, it is utterly novel, historically an afterthought, and legally devoid of any foundation. The Royal Commission is here invoked as having expressed the view that "the forcible conversion of Palestine into a Jewish State against the will of the Arabs would clearly have violated the spirit and intention of the Mandate system." But it was the Royal Commission which stated that the establishment of the Jewish National Home was "the primary purpose of the Mandate."

5. The Supplementary Memorandum (para. 6) admits as true Mr. Ben Gurion's statement regarding the unanimous conclusion of the Permanent Mandates Commission that "the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council," the Commission had always placed upon the Palestine Mandate." It goes on to point

* The words in italics are omitted from the quotation in the Supplementary Memorandum.

out that "the Commission went on to say that this did not mean that such an interpretation was necessarily contrary to the Mandate." The sentence as it stands makes no sense. The word "interpretation" seems to be a mistake, and the word actually intended is probably "policy." But no such reservation appears at all in the final Observations on the White Paper of the Permanent Mandates Commission (p. 275 of Minutes of 36th Session).

By way of weakening the impression of the Commission's unanimity on this vital point, the Supplementary Memorandum points out that only four members of the Commission held the White Paper to be incompatible with the Mandate, while three considered "that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it." Four against three is a clear majority, and in democratic practice unanimity is rare. The Mandatory Government would certainly have invoked a majority verdict of the Permanent Mandates Commission if it had gone for it and not against it. It will be noted that even the minority (the British, French and Portuguese members as against the Swiss, Dutch, Belgian and Norwegian) justified the White Paper only "in existing circumstances" (in 1939, not necessarily in 1947!) and "provided the Council did not oppose it." The last proviso was never put to the test, as there was no meeting of the Council at which the report of the Permanent Mandates Commission could be considered.

6. "Palestine is now the only place in the civilised world where racial discrimination still exists in law."

Exception to this statement is taken on the ground that "in the British Commonwealth there are many countries where, in the interests of the native inhabitants and present owners of the land, the sale of land to immigrant races, including the British people themselves, is prohibited" (para. 7). The position created by "immigrant races, including the British people" leaving their mother-countries to seek opportunities of settlement and exploitation in undeveloped territories is no example for Palestine where the Jews are re-settling, by international sanction, as sons of the country, entitled to become its full-fledged citizens. It would be hard for the Palestine Administration to find another civilised country where one racial section among its citizens is free to acquire land only in 5% of the country's area while another enjoys that freedom in the entire territory.

7. The indictment of the present immigration policy and the defence of the resulting unauthorised immigration are countered by two arguments: first, no other country would accept Jewish immigrants; second, since 1935 the entry of every Jew into Palestine has evoked the most bitter protests from the Arabs (para. 8).

The first of these counter-arguments would have made sense if, as regards Jewish immigration, Palestine were like any other coun-

try; that is, if there had been no such phenomenon in contemporary history as the Jewish Return; if that phenomenon had not received international recognition in the preamble to the Mandate and its articles; if the Mandatory had not been charged with the duty of facilitating Jewish immigration; if the presence of Jews in Palestine had not been recognised as being "as of right." Against the background of all these physical and political facts, the argument is disingenuous and irrelevant. The second argument, far from settling the question, only raises it afresh. It is true that Jewish entry has evoked Arab protests—not only since 1935. Arab protests, often backed by violence, were voiced in 1920, 1921, 1922, 1929, 1933, 1935, 1936, 1937, 1938. They were resisted through all these years until the capitulation of 1939. That capitulation and the drastic curtailment of Jewish immigration to which it has led have "evoked the most bitter protests" from the Jews. If the British Government, for reasons best known to itself, has chosen to yield to Arab protests and violence in defiance of its Mandatory obligations, rather than heed the Jewish protests and opposition and revert to the fulfilment of its obligations, it is idle for it to seek justification for this course of expediency in the laws which are of its own making.

8. "The Administration has openly confessed its hostility to the Mandate."

The Supplementary Memorandum (para. 10) asserts that "no such implication can be read into the Administration's memorandum." Whether a certain implication can or cannot be read into a text is a matter of opinion. To the Jewish Agency, antagonism to the basic conception of the Palestine Mandate pervades the whole tenor and trend of the Memorandum on the Administration of Palestine under the Mandate. There is no lack in that document of expressions openly connoting disapproval of Mandatory provisions. Such are the statement on p. 4 that the fact that the expectation of the two peoples cooperating has not been realised "is attributable to a complex of factors... some deriving from the Mandate itself"; the statements on p. 5 that "the Mandate did not apply itself to the principles of bridge-building" between Jews and Arabs, that "it did not make specific provision for covering the gap" and that "instead, it established and, indeed, tended to accentuate a measure of differentiation between the Jewish community and the rest of the population of Palestine"; the statements on p. 6 that the recognition of the Jewish Agency "served further to harden Arab opposition to Zionist enterprise in Palestine" and that "the specific mention of the Jewish Agency in relation to settlement on the land... made the Arabs highly suspicious of Jewish rural development" and "retarded the Government's land policy"; the statement on p. 7 that "disparity as between Jews and Arabs has also been produced" by the recognition in Art. 15 of "the right of each community to maintain its own schools... in its own

language" and the express criticism voiced on that page of the prescription in the Mandate of three official languages. The Administration, needless to say, is perfectly entitled to its views, but if the above quotations do not indicate an antagonistic attitude to the Mandatory provisions in question, then English words lose their ordinary meaning.

9. To what extent the Administration is imbued with the spirit of the Mandate may be gleaned from the following extraordinary passage in the Supplementary Memorandum (para. 11):

"One of the privileges possessed by Palestine Jews is that they have been able to draw on very large financial resources available to Jewry as a result of its activities in other countries. Without the use of these resources the National Home could not have been established nor maintained in its present form. These resources are not available to the Arabs."

What is here described as "one of the privileges possessed by Palestine Jews" is nothing but an automatic working and an indispensable pre-requisite of the process of development of the Jewish National Home. How could large numbers of impecunious Jews be productively settled in a new and backward country, how could large-scale expenditure be incurred *à fonds perdu* on experimentation, reclamation and human rehabilitation which in every civilised society fall within the province of non-reproductive State expenditure, without an influx of public funds from abroad? All these are funds expended on the absorption of immigrants and on the creation of conditions rendering their absorption possible. They are not devoted to the support of Jews already settled, as the Supplementary Memorandum seems to insinuate in the words "nor maintained in its present form," and they in no way make the position of the Yishuv as a going concern "privileged." The impressive contribution of the Yishuv itself to Zionist funds and to the needs of Jews abroad bear testimony to the fact that it is self-supporting. If the notion of privilege is at all to be introduced into the discussion, it should apply with much greater cogency to the Arabs. That "these resources (i.e. funds raised abroad) are not available to the Arabs" is quite natural. Why should they be? Are the Arabs engaged in a work of national reconstruction for the benefit of their homeless brethren fleeing from other lands? But actually the Arabs benefit enormously from this influx of Jewish capital, the fructifying effects of which are spread over the entire field of the country's economic activity. In reaping these benefits without, so to speak, having sown, and in being the sole beneficiaries of this unearned increment among the Arab peoples of the Middle East, the Arabs of Palestine may indeed be deemed to be in a "privileged" position.

C. MR. F. BERNSTEIN'S EVIDENCE

10. "The British Government used and uses Jewish tax money largely for Arab development."

The Supplementary Memorandum (para. 12) commenting on this statement alleges that

"a general analysis of the public expenditure as provided for in the 1947/48 Estimates shows that the Jewish community benefits from approximately LP. 750,000 less than the Arabs out of a total expenditure of LP. 24½ million."

In connection with this allegation two facts should be noted:

- (a) Jewish complaints about Jewish tax money being used largely for Arab purposes have been made frequently and have always been rejected by the Government on the ground that this is exactly as it should be. The fact was acknowledged, but was justified on the principle that the financially strong had to pay for the financially weak. Now the fact itself is denied.
- (b) In its "Survey of Palestine" the Government stressed the difficulties of compiling estimates of benefits from public expenditure accruing to the various communities. The "Survey" consequently refrained from giving estimates of the Jewish and Arab shares in the total budget. Now, suddenly, estimates for such benefits from public expenditure are produced. The results show that the figures have been produced in a hurry for political purposes.

The "Survey of Palestine" states on pp. 579-80:

"Expenditure on security and general administration is incurred for the general welfare of the country and cannot be considered to benefit one section of the population more than another..."

"War services expenditure covers all those items such as subsidization, economic control measures, compensation for high cost of living etc. which were necessarily incurred by Government in its administration of the country in the circumstances of war. The benefits of this expenditure consisted mainly in the avoidance of social injustice and of inequities resulting from shortage of supply and high prices. Such benefits cannot be apportioned on a basis of race or religion..."

"The expenditure on development services (viz: the agricultural, land, co-operative societies and labour departments), on public works, and on the remaining items of general services is designed to meet needs that are common to large aggregates of the population. In few cases are the final benefits of this expenditure capable of being isolated as increments to individual in-

comes. They are not therefore capable of being allocated between the communities."

These quotations make it clear that the Government here expressed the opinion that for most departments no estimate of the benefits accruing by Government expenditure to each community could be undertaken, whereas in its answer to the Jewish Agency such estimates have in fact been made. Moreover, most of the expenditure of departments which according to the "Survey" cannot be apportioned are mentioned as benefiting largely the Jewish community. But apart from these contradictions the few indications available do not bear close scrutiny. The Government in its reply states that out of a total expenditure of LP. 24½ million the Jewish community benefits by only LP. 750,000 less than the Arab community. This results in a Jewish benefit of LP. 12½ million less LP. 750,000, or LP. 11½ million. Now, the estimated expenditure for 1947-48 includes LP. 7,010,000 expenditure on police and LP. 593,230 on prisons. If to these figures the expenditure of the Trans-Jordan Frontier Force is added as well as the expenditure under public works for police buildings etc., then the total expenditure on police and prisons will reach nearly LP. 8 million. It is not known how much of this sum is taken as benefiting the Jewish community apart from the statement that "account has been taken of the fact that Jewish terrorism is at present responsible for all expenditure on security (i.e. Police and Prisons) in excess of what may be regarded as normal." Whatever may be the amount included in the calculation, there is no doubt that a very considerable part of the LP. 11½ million given as a benefit accruing to the Jews is composed of expenditure on police and prisons. This expenditure, largely incurred in order to enforce a policy which violates the terms of the Mandate, cannot be considered as a benefit accruing to the Jews.

Apart from this fundamental objection there are a few other mistakes, such as the inclusion of the postal, telegraph and telephone services as benefits mainly accruing to the Jews.

The post and telegraph department is a business department, and every transaction and service is rendered against payment, with a view to earning money. The Government is not benefiting the Jews if it sells stamps to Jews, because this is a normal business transaction. A person does not benefit from a merchant if he buys a pair of shoes at the usual price. During 1945-46, the last financial year for which figures are available, the post and telegraph department had an income of LP. 1,542,000 and an expenditure of LP. 919,000. This shows that this business department is indeed a very profitable one.

With regard to broadcasting, which it is stated benefits mainly the Jewish community, the Jerusalem broadcasting station broadcasts daily 5½ hours in Hebrew, 5½ hours in Arabic and 2½ hours in English. How can these figures be reconciled with the Government statement?

These few examples make it clear that Government figures given in reply to the statement of the Jewish Agency representative are incorrect and far from proving the case which the Palestine Government, in contradicting its previous declarations on the subject, now tries to prove.

11. The Supplementary Memorandum (para. 13) states:

"The history of steps taken to assist industrial development through the medium of the Customs Tariff is summarised in... Vol. III of the Survey of Palestine."

Mr. Bernstein pointed out that the present customs policy did not provide any protection to local industries by means of protective tariffs. It is a fact that, in spite of repeated and detailed applications, hardly any increase of customs duties has been granted since 1939 for this purpose. All increases in customs duties were solely of a fiscal character (in 1940, ad valorem duties were raised from 12% to 15%; in 1944, additional duties were introduced, which are now—certain foodstuffs excepted—15% ad valorem for specific duties and 8% ad valorem for ad valorem duties). These additional duties were also introduced for raw materials which were already dutiable, and for semi-manufactured goods not available locally.

As regards exemption from customs duties for raw materials, a number of applications have been granted (as was stated in Mr. Bernstein's evidence). There is, however, a large number of such applications which were submitted to Government a long time ago, but which have not yet been granted:

RAW MATERIALS AND SEMI-MANUFACTURED GOODS, NOT EXEMPTED FROM CUSTOMS DUTIES DESPITE REPRESENTATIONS.

Ser. No.	Articles	Rate of duties at present
224	Wood and timber, trunks and branches	0.30 mls per kg. + 15% ad valorem
225	Wood and timber, boards or planks, etc.	300 mls per cbm. + 15% ad valorem
226	Cotton waste	300 mls " " + 15% ad valorem
228	Fur skins, raw	23% ad valorem
265	White cement	23% ad valorem
299	Iron bars, rods and angles	0.85 mls per kg. + 15% ad valorem
334	Girders	0.80 mls per kg. + 15% ad valorem
336	Wire rope and cables	0.50 mls per kg. + 15% ad valorem
359	Steel strips for razor blades and padlocks	23% ad valorem
360	Brass and copper sheets	10 mls per kg.
366	Brass and copper strips	23% ad valorem
369	Animal, mineral and vegetable blacks	23% ad valorem
603 A	Cigarette paper in rolls	20 mls per kg. + 15% ad valorem
635	Filter paper and blotting paper	23% ad valorem
644	Casein n.e.s.	5 mls per kg. + 15% ad valorem
708 A		

On the other hand, very high duties are levied on many essential goods which are not produced locally. Apart from those mentioned in Mr. Bernstein's evidence, this applies to the following: sewing machines, refrigerators, motor cycles, bicycles, etc. Duties on sugar rose up to a maximum of 43% ad valorem during 1946 (figures for 1947 are not yet available even now).

If the Administration claims that it has not failed to represent the necessity for an amendment of Article 18 of the Mandate, it must be pointed out that, in spite of urgent representations on the Jewish Agency's part, the Mandatory Power never applied to the Permanent Mandates Commission for an alteration of this provision nor even for an interpretation adapted to actual circumstances. This is the more astonishing as the Mandatory Power has itself admitted the necessity for an amendment.

12. The wording of the Memorandum (para. 14) shows clearly that Mr. Bernstein's complaint about licences is justified. Import licences have been issued "for all goods required," except if and when "imports must be restricted for currency reasons" or "in the case of most commodities in short supply." Palestine is now the only country in the world which does not make use of its licensing system for the benefit of its own industry. Yet the adoption of such a procedure is particularly urgent for Palestine, since, as stated above, tariff protection is insufficient and the Government knows that many Palestinian industries which were set up during the war need such protection. A close study of Britain's import policy shows the way in which the licensing system is used for the protection of British industries. It is fantastic that in 1946 toilet preparations (including dentifrices) were imported into Palestine for more than LP.124,000, toys for more than LP.54,000, bananas for LP.211,000, apples for LP.395,000, cigarettes for LP.249,000.

13. Regarding imports (paras. 15 and 16) it is worth while comparing prices in the U.K. and in Palestine.

First and foremost it should be stressed that the index for import prices for food, drink and tobacco (average during 1946) was

in the U.K.	219.
in Palestine	370.

This means that, if we import foodstuffs into Palestine at 100, Great Britain imports foodstuffs at 59. This index is an average index, i.e. it shows that import prices for various foodstuffs are in Palestine double those of Britain. This applies not only to foodstuffs, but also to raw materials. The following are a few examples taken from the official statistics for Britain and Palestine:

AVERAGE VALUE INDEX 1946 (1938=100)

	U.K.	Palestine
Animals, living (for food) ...	235	554
Wood and Timber ...	287	701
Raw cotton and waste ...	220	368
Raw wool and waste ...	160	

Average c.i.f. prices in the U.K. and in Palestine during 1946 for goods which are on the Short List, and allocations of which are therefore made, for the U.K. as well as for Palestine, by the International Emergency Food Council, were per ton:

(L.P.=£1)

Wheat hard	
Palestine ...	LP. 26.6
U.K. ...	£ 19.3
Wheat flour (Canada)	
Palestine ...	LP. 32.-
U.K. ...	£ 24.4
Barley	
Palestine ...	LP. 27.-
U.K. ...	£ 15.7
Sugar	
Palestine ...	LP. 29.5
U.K. ...	£ 24.7
Groundnuts	
Palestine ...	LP. 37.2
U.K. ...	£ 27.6
Cocoa beans	
Palestine ...	LP. 117.4
U.K. ...	£ 46.1

These few examples prove that the statement of the Memorandum that "Palestine is not treated unfairly... in the matter of allocation of loading areas" is not correct.

In addition, exception must be taken to the reiterated statement of the Government that "these allocations are made by the International Emergency Food Council and not by the United Kingdom." This statement, in itself of course correct, is apt to give the impression that the British Government has no say at all in the allocation of food supplies and loading areas. This would not be so even if the International Emergency Food Council laid down all particulars with regard to the internal distribution of allocations within the British Empire. The Jewish Agency is not officially informed about the procedure adopted by the International Emergency Food Council, but inquiries made at Government offices in Jerusalem have yielded information to the effect that the Council makes allocations to the British Empire, while the British Government decides on the internal distribution to the U.K. and to other parts of the British Empire, including mandated territories.

14. The arrangement with the Jewish Agency with regard to gift dollars cannot "be regarded as a considerable concession" (para. 17).

In other countries of the sterling bloc not only gifts but also revenue from current incomes and a considerable proportion of the sterling balances are being converted.

Egypt with an income of 10 million dollars received 60 million dollars from the British dollar pool in one year. Transjordan obtains any amount of dollars from its sterling balances. Goods purchased with Trans-Jordan dollars are smuggled into Palestine and resold at a high profit here.

Gift dollars do not belong to an institution under British control but to the United Palestine Appeal, which is registered in America, and the funds come under British control only if and when transferred to the sterling bloc.

It is true that the arrangement has worked in general to the satisfaction of the Jewish Agency. The view that the Jewish section of the population may not enjoy any benefits if they are not enjoyed by the Arab community cannot be accepted. Such a provision might be understood if the benefits were to accrue to the Jewish community through the Government. This is not the case with regard to gift dollars, as they are raised by Jewish contributors in America, and their transferability does not represent any concession in comparison with other countries of the sterling bloc.

Moreover, even after the agreement, the bulk of the funds are transferred through London, and the benefit of foreign currency accrues to the sterling bloc as a whole. Only such amounts are left in the U.S.A. by the United Palestine Appeal as are necessary for the revolving trading account which is used to make payments to suppliers in America in accordance with the gift dollar agreement, or such amounts as are necessary for training and relief of refugees in Europe, or for the maintenance of Palestine Offices in Europe in connection with the work in this country.

15. The Supplementary Memorandum (para. 18) states in connection with fuel prices that

"the prices quoted (by Mr. Bernstein) in respect of benzine bear little relation to the facts."

The prices quoted in respect of benzine by Mr. Bernstein referred to wholesale prices, and they are as correct now as they were when they were given. The Government has failed to show that the Haifa wholesale prices, 190 mils per 4 gallons—excluding duty—and 104 mils for Haifa refined benzine c.i.f. United Kingdom ports, are incorrect.

Instead of making the attempt to refute Mr. Bernstein's statement as to prices recorded, the Government quotes the British retail price. This, however, is a uniform price applicable to the whole of the United Kingdom, including the distribution costs

for a territory of 244,000 square kilometres, which must needs be far higher than the distribution costs for Palestine with 14,500 square kilometres (without the Negev where practically no benzine stations exist).

It should, in addition, be stressed that Mr. Bernstein spoke of oil prices chiefly in connection with the cost of industrial power. In this respect not benzine, but fuel oil and other oil products are essential. The Government has made no attempt to refute what was stated by Mr. Bernstein regarding the prices of those oils.

The statement having been submitted in writing, it is hard to understand the following sentence:

"It is relevant to recall, however, that, had it not been for the oil concessions, to which objection is taken by Mr. Bernstein, Palestine's economic position would have been disastrous during the war."

No objection was taken to the fact of oil concessions having been granted, but the unusually favourable conditions of these concessions, which were even criticised by the Mandates Commission, were contrasted with the enormously high prices of oil charged by the concessionaries to Palestine.

16. The remarks of the Memorandum (para. 19) on the criticism of the Jewish Agency regarding the Government attitude towards the Arab boycott is, in effect, an admission of the justification of the Agency's criticism. But there is one sentence which calls for comment, namely:

"The increase in imports is due mainly to the fact that Palestine is far from self-sufficient in foodstuffs and other essential commodities; and in a world of shortages, Palestine has no alternative but to import essential supplies from wherever possible."

Here are a few examples of unessential imports from boycotting countries during 1946: import of apples from Syria and the Lebanon, value L.P. 99,089; banana imports from Syria and the Lebanon, value L.P. 71,543, and from Trans-Jordan, value L.P. 139,344; potato imports from Syria and the Lebanon, L.P. 65,661, and from Egypt, L.P. 25,502; date imports from Iraq, L.P. 157,956; cigarette imports from Egypt, L.P. 19,719. Other unessential commodities for Palestine imported from boycotting Arab countries include earthenware, artificial silk tissues, textiles, tanned hides and sole leather.

A considerable part of the imports into Palestine from the Arab boycotting countries were not essential for Palestine. Had any retaliatory measures been adopted by the Government of Palestine, the Arab countries might have stopped their boycott.

D. MR. E. KAPLAN'S EVIDENCE

17. It is difficult to understand the implications of the Government's statement (para. 22) that "in one or two places in the world, the idea has been conceived of trying to increase the percolation of rain-fall in certain areas underneath which there are known to be water-bearing strata," but we should like to point out that such a recharge is practised in many European countries, chiefly in Germany and Belgium, in South-West Africa, in French Guiana, and in many parts of the U.S.A. For example, in the State of California, according to the 16th Census of the U.S.A., 1940, "Irrigation of Agricultural Land," p. 143, "an area of 250,000 acres was irrigated in this way" (about one million dunams); the area capable of benefiting was then about two million dunams, and the quantity of water stored was about 136 million c.m. The Government goes on to say: "...unfortunately where such water has been tapped in the Negev, it has generally been found to be saline." The underground water in Wadi Mishash, where the experiment was successful and research was carried out, is of excellent quality for irrigation and domestic purposes. We should like to add that full reports of these experiments were submitted to the proper authorities in Palestine.

18. The Government is worried about the high cost of our investment in laying pipes in the Negev, the high price of water, the uneconomic use of the pipes and "the question of the rights of the inhabitants of the area from which it (the water) is abstracted. This question, of course, has to be duly considered" (para. 23). We have explained in our estimate that the volume of financial investment and the price of water at the present stage of water installation in the Negev are above the accepted average in the country, but these are essential phenomena in a water supply undertaking which is still in process of development. Plans in our possession show that on their maturity the price of water would be reduced, and the financial investment per irrigated dunam would be only slightly above the average. Our water supply is intended for a desert and semi-desert district where irrigated farming must necessarily follow a gradual development. The Nir-Am Gvar-Am area, which serves as the water source of the project, contains to the best of our knowledge, based on geological research, a surplus of water over and above the quantities needed for the irrigation of that area itself. The question of infringement of rights does not therefore arise. Moreover, the water is pumped from areas entirely under Jewish ownership.

The Government argument that the six-inch pipes used in the Negev could be more effectively used in other districts, is valid only in theory. Our representatives have already explained in their meetings with the Water Commissioner, and, as we understood, to his satisfaction, that it would be impossible at the present time to make use of

these pipes in other districts in sufficient quantities. The reasons put forward by us were:

- (a) The acquisition of the six-inch pipes was due to chance, and was made mainly from surplus war materials in England, where they were used for fire extinguishing. Large quantities of six-inch pipes have in this way accumulated in Palestine, while there was and still is a shortage of pipes with a larger diameter. It was, therefore, impossible to develop irrigation plans for the north, as these would require wider pipes.
- (b) The use of these pipes in other parts of the country would entail numerous additional borings for which suitable machinery was lacking and still is insufficient.
- (c) Considerable stores of six-inch pipes lie idle to this day in Palestine, as no use could be made of them in other parts of the country.
- (d) The Jewish Agency has only recently obtained a licence for the import of 21,000 tons of pipes of various sizes, which are intended for development works in other districts.

The pipes would have been unused had we not appropriated them for the Negev; and the allegation that the Negev scheme is carried out at the expense of other districts is therefore unfounded.

19. The Supplementary Memorandum (para. 24) states:

"Of the total area irrigated in Palestine, which is about 500 sq. kms., 230 are estimated to be Jewish and 270 Arab... As an economic proposition it is not possible in the Government's view to do much more than double the existing area."

We explained our data at length and we rely on our figures. We would quote another statement of the Government made in its "Survey" (Volume III, Section 9, Note (a), para. 9): "Mr. Savage's Report envisages the irrigation of a total area of 2,600,000 dunams. About 11 million dunams could, in the opinion of the Palestine Government authority, be irrigated by simpler schemes at a less expensive cost. About 450,000 dunams are already irrigated. Of the balance of 900,000, half to three-quarters of a million could be irrigated if expenses and economic inhibitions were of no concern. For the remaining 150,000 to 400,000 dunams, it cannot be agreed that the water is or could be made available." Therefore, in accordance with its own submission to the Anglo-American Committee of Inquiry, the Government considered about a year ago that at least 2,200,000 dunams of land could be irrigated in Palestine. Why the Government is now trying, in the Supplementary Memorandum, to belittle this is incomprehensible to us. In any case it is difficult to explain the contradiction between the Government's figures in the different memoranda which it has submitted.

20. Regarding the Hays-Savage scheme (para. 25), Mr. Hays' and Mr. Savage's report was received by the Government of Palestine more than two years ago. We were definitely told by the members of the Anglo-American Committee of Inquiry that Government experts had been invited to attend the meeting which we referred to in our testimony. We do not know of any revised scheme being prepared by Mr. Savage. The difference between the 2½ million dunams mentioned by Mr. Hays and the 3½ million dunams stated by us on the strength of calculations made by the Rehovoth Agricultural Research Station, is the result of a different water duty. Mr. Hays accepted the unified farm type. The Agricultural Research Station preferred the seven-farm types and based its figures on a detailed survey of soil conditions, mode of cultivation, rotation of crops and climatic conditions. Mr. Hays accepted the result of this survey.

We are generally unable to accept Government's criticism with regard to water duty. Our figures are based on a long series of experiments in our agricultural settlements and determined by us according to the requirements of the individual crops entering into rotation in the different farm types according to their localities.

21. The Memorandum (para. 26) challenges "the limited scheme" mentioned by Mr. Kaplan. We should like first of all to clear up one misunderstanding. The scheme of 2½ million dunams mentioned by Mr. Kaplan includes the 450,000 dunams already irrigated. In this scheme an attempt was made to arrive at irrigation possibilities on the basis of figures submitted by the Government to the Anglo-American Committee of Inquiry, without going into the question of the correctness of these figures or of the assumptions on which they are based. This scheme takes into consideration, contrary to Government assertion, the allocation from the Jordan water for Trans-Jordan's needs. The Government questions the figure of 1 billion 600 million c.m. to be used for the irrigation of the 2½ million dunams of land. But only recently a Government expert placed the quantity of water available for irrigation, excluding Trans-Jordan's share, at 1 billion 750 million c.m.

Several remarks are made in the Supplementary Memorandum on the economics of the scheme. But in the elaboration of the limited scheme the only criteria which have been applied by the Agricultural Research Station have been the suitability of soil for irrigated farming and the possibility of providing water to such an area at an economically acceptable price which is not above, but usually well below, the cost of water from the existing water supply systems in parts of the country where irrigation is normally practised by Jewish farmers. In the limited scheme provision has been made for loss of seepage and evaporation from the sources of water to the point of delivery. This scheme was prepared in cooperation with the Agricultural Research Station. Under this scheme the country was divided

into eleven districts, and the water duty, the amount of water per dunam per annum for certain types of cultivation, was fixed for each locality. Soil conditions as well as the annual precipitation and the elevation of each such district were taken into consideration. Any average figure for water duty for the whole of Palestine is most uncertain. The limited scheme deals with full irrigation and not with partial irrigation as is erroneously assumed by the Government.

The total area irrigable under the limited scheme is 2,530,000 dunams, including the 450,000 dunams already irrigated. It is therefore considered that sufficient water is available even on the strength of the Government's own figures for new irrigation of over two million additional dunams of land.

It is once more suggested that irrigation experts of international standing should be appointed to meet with Government officers and with the experts of the Jewish Agency in order to clear up these differences of opinion.

22. Regarding "the future level of cost of large-scale development in Palestine" (para. 27), it is difficult and almost impossible to foretell the price level in Palestine during the next ten years. But it is certain that there will be, as in the past, an adjustment of the price level in Palestine to the international price level in the world.

E. DR. A. KATZNELSON'S EVIDENCE*

23. The Supplementary Memorandum (para. 28) states:

"This evidence gives an unbalanced picture of the health conditions in Palestine and the progress that has been made. It attributes almost all the advancement in the control of disease either to the direct medical work of the Jewish organisations or indirectly to the higher standards of living among the Arabs resulting from Jewish enterprise."

The Vaad Leumi did not consider it their duty to report to the Committee on Government's health activities in general, or among the Arabs of Palestine—this was done by Government itself at great length in the "Survey of Palestine," submitted to the Committee (Vol. II, pp. 609-635). The Vaad Leumi made no attempt to ignore the activities of the Government Department of Health and stressed in their Memorandum and evidence that "the maintenance by the Jewish authorities of a comprehensive health service enabled the Government Department of Health to devote the bulk of the funds

* For the sake of completeness, we are incorporating the observations regarding Dr. A. Katznelson's evidence, which have already been submitted separately by the Vaad Leumi.

at its disposal to meet the requirements of the Arab community" and that "all the Arab social services are maintained, with a few exceptions, by Government."

The object of the Vaad Leumi's evidence was:

- (a) to explain to the Committee the decisive role played by the Jewish Health Services in the history of Jewish settlement in Palestine and the general effect of the Jewish enterprise on the health standards of the country as a whole;
- (b) to apprise the Committee of the fact that the burden of expenditure involved in the development of the Jewish Health Services and their maintenance falls almost entirely on the shoulders of the Jewish institutions, and that all the Vaad Leumi's efforts during the past two decades to bring about a fundamental change in the Government's health policy by inducing Government to increase allocations for the health needs of Jews and Arabs alike, to encourage and support local initiative and voluntary effort, and to sponsor a system of workers' health insurance—yielded very little result.

24. The Supplementary Memorandum goes on to say:

"Most of the results which have been obtained among the Jewish population and practically all prevention among the Arab population have been the work of the Administration" (para. 28).

"The good results which have been obtained among the Arab population are almost entirely due to the efforts of this department" (para. 33).

Government's work among the Jewish population will be discussed later. As to the Arab advancement—it is hardly necessary to stress once again that the millions of pounds which flowed from the Jewish into the Arab sector, both directly (for land, products, labour) and indirectly, through Government taxation, is the factor primarily responsible for this advancement.

The following quotation from Government's own evidence included in the above-mentioned "Survey" does, as a matter of fact, confirm the Jewish attribution of the Arab advancement "to the higher standards of living among the Arabs resulting from Jewish enterprise":

"It is beyond doubt that the tremendous reduction of mortality of Palestinian Moslems during the last two decades is due mainly to improved standards of living, improved cultural conditions, better medical facilities" (p. 708).

"This improvement is particularly noticeable in those sub-districts of the coastal plain which have been the main Jewish migration areas" (p. 714).

"No such development has taken place in neighbouring Arab countries. In Egypt... infant mortality did not show during the last twenty years any clear tendency towards a decline" (p. 710).

The diagrams presented to the Committee by the Vaad Leumi only confirm this evidence of Government.

25. Government makes no comment on the fact that treatment work in the Yishuv is done in 90-95% of cases in Jewish hospitals and clinics, and merely states that:

"The Jewish community prefers its own purely Jewish hospitals and does not always care to make adequate use of the facilities provided by the Department of Health" (para. 29).

This fact is even more significant if we take into account the acute shortage of beds in Jewish hospitals. However, Government fails to disclose the reason for the reluctance of the Jews to make use of Government hospitals. The reason is that Jews prefer a highly specialised hospital, staffed by Jewish personnel and equipped with a Jewish kitchen, to a hospital where such facilities are lacking.

Government further states that almost the whole of the Jewish health budget "goes to maintain hospitals and clinics and pay maintenance grants to the sick" and that "except for some anti-malarial work very little preventive medicine is done by the Jews" (para. 29). Government, it appears, is attempting to take credit for the preventive work carried out in the Jewish community, but in this field, as in the field of medical aid, the facts speak for themselves. Actually, almost the entire field of preventive medical work: the school hygiene and infant welfare service, anti-tuberculosis and anti-trachoma campaigns, industrial hygiene and first-aid services, as well as, to a large extent, rural sanitation and epidemiological work, is covered by the Jewish Health Services. Government's contribution to these services, which involve an expenditure of almost LP. 250,000, amounts to LP. 7,000.

(Jewish anti-malaria work in Palestine will be dealt with later in these Observations).

Moreover, it was the Jewish institutions which were the pioneers in preventive medicine in this country, and their services, such as, for instance, the infant welfare centres, served as an example for similar activities by Government among the Arabs. Several of the Jewish infant welfare centres to-day also serve the needs of the Arab population.

26. Government compares the sum of LP.5 spent per capita by Jewish Health Services with the sum of 300 mils available for Government

treatment services. But Government does not explain that this disproportion is a result of its failure to make the Arab population share in the cost of their health services through municipal taxation, health insurance fees, patients fees, etc. Ninety per cent of the Jewish health budget is derived from such sources.

Government denies the statement which it alleges was made in the evidence of the Vaad Leumi, that the Ministry of Health in the United Kingdom pay subsidies to hospitals on a fifty-fifty basis. No such statement was made in the evidence of the Vaad Leumi. What was actually said in the evidence was that the financing of social services in general is based, in England and in other countries, on an equal financial partnership of the two factors concerned—Government and the Local Authorities. In this instance—Education was chiefly implied. As to the health services, it is a well-known fact that the new British National Health Service Bill imposes the bulk of the cost of maintenance of hospital services on the Exchequer.

27. Government takes exception to the statement made in the Vaad Leumi's evidence that "Government shirks its elementary duties towards the health of a large working community and has placed on the shoulders of this community the entire burden of providing for its medical requirements" and says "This is not correct."

The evidence of the Vaad Leumi proved that due to the absence of health insurance legislation in Palestine, and the lack of adequate Government support to the Workers' Sick Fund (Kupat Holim), the proportion between the sources of income of this institution, namely, between the worker, the employer, and Government, is 82:16:1, and that even this 1% has been obtained only recently in the form of a small grant to Kupat Holim hospitals.

Government does not corroborate its statement that this is not correct. Moreover, it admits that the Department of Health

"has had to advise... against attempting to implement a national health insurance scheme for Palestine," and while "the Jewish community have been in the fortunate position of being able to help themselves... the financial resources available to the Department of Health are so small compared with the needs of the whole community of Palestine that it is impossible to do more" (para. 31).

In the light of this admission by Government itself, it is difficult to understand why the Vaad Leumi's evidence on this point is "incorrect".

28. For the same reason of lack of funds, Government failed, as stated in the Supplementary Memorandum, "to satisfy the demand from the

Vaad Leumi for half a million pounds as a capital grant for the Jewish hospital building programme" (para. 32).

The actual fact is that the Vaad Leumi has never asked for such an allocation. A plan for the extension of the Jewish hospitals by 500 beds, involving an expenditure of LP. 500,000, was submitted by the Vaad Leumi in their letter of 7.11.46 to the Director of Medical Services, and Government was requested to contribute only 25% of the capital expenditure involved.

Government admits the urgent need for the provision of hospital facilities for tuberculosis and mental cases, but

"the trouble has been, and still is, that sufficient funds are not available for an adequate building programme... It is estimated that at the present time to build the ideal number of mental beds required for Palestine would cost between LP. 10,000,000 and LP. 20,000,000. The Department of Health has advised that funds should not be dissipated at this time, but should be conserved until building costs have reached a more normal level" (para. 32).

The Vaad Leumi takes the liberty of questioning these astronomic figures and submits that with one twentieth of the sum mentioned, it is prepared to take upon itself to provide the necessary number of beds or Jewish mental patients.

Most characteristic is the following contention of Government:

"They (the Vaad Leumi) are... prepared to sacrifice the standards of hospital construction in order to provide the largest possible number of beds. This is not to say that their plans for new hospitals are not admirable, but there is an unfortunate tendency to crowd four patients into a two-bed ward" (para. 32).

The Vaad Leumi admits this point. It prefers to sacrifice the building standards and normal requirements in space per bed to sacrificing the health and lives of the population by denying hospital treatment to tuberculosis and mental patients. Accordingly, the Vaad Leumi provides temporary arrangements for the hospitalisation of tuberculosis cases, even under conditions which are far from being ideal, and pays exorbitant fees for the accommodation of mental cases in private institutions, while Government is prepared to acquiesce to the fact that infectious cases such as tuberculosis, and violent mental cases, should remain a danger to their environment "until building costs have reached a more normal level".

29. "The figures given for the percentage of Jews among the Government medical staff are incorrect" (para. 33).

In the Vaad Leumi's evidence figures were given on the share of Jewish doctors in the two highest categories of the Government medical personnel: (a) Senior Medical Officers, including the Directorate of

the Department (salary: LP.800 per annum and upward); (b) Medical Officers, Grade I, including Asst. Senior Medical Officers (salary: LP. 600—800 per annum). The figures given are: among 13 officials of (a) above, there is not a single Jew, and among the 25 officials of (b) above, there are 5 Jews, of whom 4 were appointed recently.

Government does not even refer to the figures given, which are taken from the Government Staff List, April 1947. Instead it quotes figures on Jewish Medical Officers in general, including the lowest categories such as house physicians, with a salary of LP. 20 per month.

The Vaad Leumi's evidence was not concerned with these figures and there was no room for Government's denial.

30. Government argues that

"the tables showing the percentage number of beds occupied in Government hospitals as compared with Jewish hospitals are misleading. A high proportion of beds is provided by Government for infectious diseases. During periods when infections are quiescent there may be many empty beds" (para. 34).

In the Vaad Leumi's evidence it was stated that the percentage of beds occupied in the Government hospitals is 75%, as against 100% and over in the Jewish hospitals. Government's contention is not corroborated by its own official figures. According to the Report of the Government Department of Health for 1945, the percentage of beds occupied in the Government Hospital in Jerusalem, where there are no infectious beds, was 68%, while the Hadassah Hospital in Jerusalem showed an almost 100% bed occupancy.

31. Most surprising is Government's attempt to minimise the importance of the Jewish factor in fighting malaria in Palestine.

"Most of the rural work done has been planned and supervised by the Department of Health. In addition, all the work in urban areas (in which 73 per cent of the Jewish community resides) has been done by the department" (para. 36).

This attempt to present the malaria problem in Palestine as a chiefly urban problem is utterly unfounded. In the densely populated town of Tel Aviv and in the new Jewish quarters of Jerusalem and Haifa, the malaria problem never existed; and even in the other urban areas, it was felt only in the early years of the British Occupation. Already in the Report of the Government Department of Health for the year 1922 (page 48) we find:

"The towns of Palestine are now comparatively free from malaria although five years ago at the beginning of the British Occupation of the country the disease was rife in many of them".

The nature of the anti-malaria work performed by the Government in the towns is limited to covering cisterns serving for the collection of rainwater, and in oiling them regularly. This routine work neither requires professional training nor involves large expenditure.

32. The real danger of malaria was in the areas of Jewish agricultural settlement which, as admitted by Government itself, are all situated in the highly infected parts of the country. The anti-malaria work which has been done in these areas by the Jewish colonising agencies and health services during a quarter of a century and the gratifying results achieved were described in the memoranda supplemented by maps, submitted to the Palestine Royal Commission (1936) and to the Anglo-American Committee of Inquiry (1946). Government has never sought to challenge the facts given. The following statement contained in Government's Supplementary Memorandum is the first attempt to belittle the Jewish anti-malaria work:

"Out of 74,490 dunums of marshy land existing in Palestine prior to 1920, 50,540 have been reclaimed by Government. Of the remaining 24,950 dunums, 3,500 were reclaimed by Arabs, 6,000 are still not drained, and the remainder, approximately 15,500 dunums, have presumably been drained by Jews."

"The expenditure incurred by Government on the drainage and reclamation of the 50,540 dunams mentioned amounted to LP. 158,150..."

"In the isolated instances in which contributions have been made towards anti-malarial works in other than Jewish lands these have been entirely voluntary and with a specific object in view, such as the safeguarding or promotion of a commercial undertaking..."

"Free labour to the extent of 20,000 labour days, per annum, has also been made available by Arab villagers throughout the country and about 3,000 labour days by Jewish local councils."

"In conclusion, while it is admitted that Jewish rural settlement has been primarily in malarious areas of the country, it must be emphasised that only comparatively insignificant areas of permanent marsh land have been reclaimed by Jews..." (paras. 36 and 37).

In reply to these statements we have to state again the facts given in our above-mentioned memoranda:

(a) The amount of marshy land reclaimed by Jews prior to 1936 and detailed in the Jewish Agency's memorandum to the Royal Commission was 38,416 dunams. Since then and up to 1945, a further 5,780 dunams have been reclaimed, making a total of 44,196 dunams. The area affected by this reclamation work reaches nearly half a million dunams.

- (b) The sums spent by Jews on this work up to 1936 amounted to LP. 390,000, and since then, up to 1945, to an additional LP. 23,000, making a total cost of LP. 413,000.
- (c) The contribution by Jewish bodies towards the reclamation work in other than Jewish lands emanated from their care for the health of the population at large, and not from commercial reasons.
- (d) Free labour made available by Jewish villagers for anti-malaria work amounts to 10,000 labour days per annum. In addition the Jewish anti-malaria service employs permanently 14 regional inspectors and 15 part-time inspectors.

33. The reclamation work and anti-malaria control is not the sole contribution of the Jews to the anti-malaria campaign in Palestine. The entire treatment work of Jewish malaria cases, and in the mixed areas also of Arab cases, was done by the Jewish medical institutions; the prophylactic value of this treatment work is evident.

Most valuable also was the Jewish contribution to malaria research in Palestine. Research work began with the establishment of the Malaria Research Unit in 1922, and has been continued since then by the Hebrew University and the Anti-Malaria Research Station at Rosh Pina. It will be no exaggeration to say that it is the most important, if not the only centre of malaria research in the countries of the Middle East. It is worthy of note that the Malaria Research Unit mentioned above, although attached to the Government Department of Health, has been financed by the Jewish sponsors of the Unit during the whole period of its existence.

In the Report of the Government Department of Health for 1922 (p. 50) it is stated:

"In September a Malaria Research Unit was attached to the Department of Health by the Jewish Joint Distribution Committee of America. The anti-malarial work previously carried out by the Hadassah Medical Organization in the Jewish colonies has been taken over by the Unit together with the staff employed on this work. The Unit consists of a Controller, a Field Medical Officer, a Field Engineer and a Bacteriologist with their headquarters and laboratory at Haifa, and of 15 sub-inspectors stationed in areas of Jewish settlement throughout Palestine.

"The functions of the Unit are to carry out research and experimental work on malaria both in the laboratory and the field with a view to determining the most efficient and economical methods for Palestine to conduct anti-malarial operations in the Jewish and neighbouring settlements and to gather exact data regarding malaria in Palestine".

A year later the Director of the Department stated in his Report for 1923 (page 26):

"The anti-malaria work accomplished by the Research Unit has been of the greatest value and its results are already apparent in the disappearance or great diminution of primary malaria in the Jewish colonies both old and new, in Palestine. The experimental schemes adopted in selected areas have given invaluable information as to the best and cheapest methods of controlling malaria under varying conditions, and the knowledge acquired of the various Palestine anopheles, of their seasonal prevalence, distance of flights and relative importance as carriers of malaria, is providing a scientific basis for anti-malaria measures".

And in the Report for 1930 (page 35), again:

"The Malaria Research Unit has expended, under the control of the Department, some LP. 40,000, in reducing malaria conditions in areas undergoing Jewish settlement. The work has been of great value not only to the Jewish population, but to the Government".

It is to be regretted that these words of appreciation by the Government Director of Health seem to have escaped the memory of the writers of the Supplementary Memorandum.

OBSERVATIONS ON CHAPTER V OF THE SUPPLEMENTARY MEMORANDUM

The Chapter contains the Palestine Government's comments on the "Political Survey 1946-1947" presented by the Jewish Agency to the United Nations Special Committee.

It states that "the White Paper published in June (sic), 1946, showed the complicity of the Agency in Jewish terrorism." The Agency at the time denied the allegations contained in the White Paper, and it stands by this denial. The veracity and fairness of the statement that "its (Hagana's) difference from the dissident Irgun Zvai Leumi and Stern Groups was not in any principle, but only in regard to choice of strategic moments to apply force" must be left to the judgment of anyone familiar with the actual course of events.

It is further stated that "the first authoritative Jewish denunciation of terrorism came from the Inner Zionist Council on the 29th October, 1946, and it was after this that the Agency leaders were released from detention." This statement on p. 58 of the Supplementary Memorandum is contradicted by the entry for 22nd July, 1946, in the

Historical Summary on p. 14 of the same document. It is there stated that "the Jewish Agency and Vaad Leumi Executives issued statements expressing their horror at 'the dastardly crime perpetrated by a group of desperadoes'. They called on the Yishuv 'to rise up against these abominable outrages'." In actual fact, official condemnations of the terrorist campaign of bloodshed were repeatedly published by the Jewish Agency and other Jewish authorities long before the arrest of their leaders on June 29th.*

This Chapter also contains the following comment: "Paragraph 74 (of the 'Political Survey') states that a detainee is not informed of the facts on which the suspicion against him is based. One of the reasons given for non-cooperation with the Police is that in the past the source of information has been disclosed by them. Under conditions in which no witness will come forward publicly and sources of information have thus to be carefully guarded, it is understood to be the wish of the Agency that these sources should not be revealed to detained terrorists." It will be observed that while the charge in the "Political Survey" is that the detainee is not informed of the *facts* on which the suspicion is based, the explanation offered by the Government refers to the disclosure of the *sources* of information. In the present particular context the distinction may not always be relevant, but it is characteristic of the reasoning and methods of argument of the authors of the Supplementary Memorandum. What is more important is the allegation contained in the last sentence of the paragraph quoted. The Agency is not aware of ever having made such representations to the Government.

* It is significant that the arrest of the Mayors of Tel Aviv, Ramat Gan and Nathanya on 5th August, 1947, followed almost immediately on the renewed appeal to the Yishuv for an all-out effort to eradicate terrorism, to which these mayors were signatories.