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PERMANENT MANDATES COMMISSION

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OF THE
TWENTY-THIRD
SESSION

Held at Geneva from June 19th to July
1st, 1933,

including the
REPORT OF THE COMMISSION
TO THE COUNCIL

THIRTEENTH MEETING

Held on Tuesday, June 27th, 1933, at 10.30 a.m.

**Palestine and Trans-Jordan: Examination of the Annual
Report for 1932.**

Mr. M. A. Young, C.M.G., Chief Secretary of the Government
of Palestine, accredited
representative of the mandatory Power, came to the table of
the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. Young and asked if he wished to make a general statement on the situation in the mandated territory.

Mr. YOUNG thanked the Chairman and said that, as a very complete statement had been made by the High Commissioner at the last session, and as there had been no change in policy, he did not propose to make a general statement.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN said that the chapters of the annual report for Palestine were very complete and detailed, but that that was not the case for Trans-Jordan. For instance, on page 203 of the report, mention was made of the sessions of the Legislative Council, but nothing was said about the work of the Council and the general political situation. The Commission would be glad if in future the chapters of the Trans-Jordan report could be more detailed.

Mr. YOUNG noted these remarks and promised that the Trans-Jordan section of the next report would be more detailed -- in particular, in respect of the Legislative Council.

TREATMENT OF PALESTINIAN NATIONALS IN CERTAIN COUNTRIES.

M. ORTS referred to information which had appeared in the *Palestine Gazette* of March 23rd, 1933, according to which the Government of Panama was said to have prohibited the admission of Palestinian citizens whose mother-tongue was not Spanish. He asked the accredited representative whether this information was correct and whether, if that were so, the mandatory Power had made any representations to the Government of Panama and what were the results of such representations. He pointed out that, on September 9th, 1930, the Council had passed the following resolution:

"The Council instructs the Secretary-General to ask the States Members of the League of Nations to give favourable consideration to any requests that might be made to them by the mandatory Powers with a view to securing to persons belonging to territories under A and B mandates, or at all events for goods coming from those

territories, advantages corresponding to those enjoyed therein by their own nationals and goods."

Mr. YOUNG replied that he had no personal knowledge of this prohibition. The results of any representations which might be made on the subject to the Government of Panama would be communicated to the Commission.

M. VAN REES asked if Panama was the only country which refused to admit Palestinian nationals.

Mr. YOUNG thought that there were others.

COLONISATION IN TRANS-JORDAN : ADMISSION OF ARABS, JEWS AND FOREIGNERS.

Lord LUGARD enquired regarding the possibility of the settlement of Jews and Arabs in Trans-Jordan with a view to relieving the congestion in Palestine, where the population was increasing very rapidly. He believed that negotiations had taken place and that the Jews were willing to subscribe a large loan for the general development of Trans-Jordan, without racial distinction. Though the Turkish law, which prohibited the settlement of foreigners in Trans-Jordan without special authorisation, was still in force, there was apparently a growing recognition that Trans-Jordan development contrasted badly with that of Palestine and a movement in favour of such settlement. He asked whether the Government was prepared to facilitate this movement.

Mr. YOUNG replied that Trans-Jordan was specifically excluded from the scope of the articles of the mandate relating to the establishment of the Jewish National Home, and there was no question of making any change in this respect. His Majesty's Government did not feel that it was at present possible to facilitate the settlement of Jews in Trans-Jordan.

Count DE PENHA GARCIA asked whether, in view of the fact that Trans-Jordan was sparsely populated, the mandatory Power did not think it would be possible and desirable to colonise it, even though not necessarily with Jews.

Mr. YOUNG replied that the mandatory Power had given close consideration to this question and had concluded that it was not desirable, for general reasons of security, to encourage Jewish settlement in Trans-Jordan. There was no movement in favour of settlement by other races, and there were no vast spaces calling for colonists, although it was true that the country was not so thickly populated as Palestine.

M. VAN REES thought the mandate did not hinder the Emir and Sheiks of Trans-Jordan from permitting the voluntary colonisation of that territory. He referred to a newspaper article of March 31st which stated that the Trans-Jordan Assembly had rejected by thirteen votes to three a draft law forbidding the sale of land to foreigners. The Government representative had asked Parliament to adjourn the discussion of this Bill until the next session, but the majority had insisted on an immediate vote and thus showed their desire for a policy of the open door for the Jews.

He concluded that the Emir Abdullah was in favour of Jewish colonisation and he therefore asked why the mandatory Power opposed it.

Mr. YOUNG replied that it was true that there was nothing in the mandate which prohibited the Jewish colonisation of Trans-Jordan, but that His Majesty's Government, in view of all the considerations, had concluded, on the ground of local feeling and of the general question of security, that it was not practicable to facilitate such colonisation.

Lord LUGARD said his question had referred primarily to Arab colonisation, and he asked whether there was any objection to the Jews assisting the settlement of Arabs in Trans-Jordan in order to relieve congestion and facilitate the settlement of the "dispossessed" Arabs.

Mr. YOUNG replied that he knew of no objection, provided there was no attempt to transfer a larger number of Arabs to Trans-Jordan than the country could receive. There were no great empty spaces, nor was there any strong movement to transfer a large number of Arabs.

M. VAN REES pointed out that, if he were not mistaken, the area of Trans-Jordan was

43,000 square kilometres -- that was to-day about double the area of Palestine; its population was about 300,000 as against a population of one million in Palestine. The Emir and Sheiks were willing to sell part of the land to the Jews. Was the mandatory Power justified in preventing such sales?

Mr. YOUNG said it should be borne in mind that a great part of the area of Trans-Jordan was desert. Though the cultivable part of the territory was more sparsely populated than that of Palestine, the difference was not very great.

In reply to further questions, he stated there was no general objection to the admission of outsiders to Trans-Jordan, except that it was not thought desirable to admit more people than the country could support. There was no absolute prohibition debarring all Jews from entering Trans-Jordan, but individual Jews had been refused admission.

Lord LUGARD understood that the lands bordering the eastern banks of the Jordan offered opportunities for intensive cultivation.

M. VAN REES asked whether he was correct in supposing that foreigners *other than Jews* could buy land and settle in Trans-Jordan. For instance, could Europeans do so?

Mr. YOUNG said that permission would be required; he thought that it would not generally be withheld.

M. VAN REES remarked that, in that case, he did not see for what reason the Jews, at any rate those who had retained the nationality of any country Member of the League of Nations, were treated differently. It should be borne in mind that Article 18 of the mandate for Palestine, which provided for equality of treatment, applied and continued to apply to Trans-Jordan. The mandatory Power was bound to see that Article 18 was properly carried out and had given an undertaking to this effect to the Council of the League of Nations at the meeting of September 1st, 1928, during the discussion on the Agreement of February 20th, 1928, between the United Kingdom and Trans-Jordan, Article 6, paragraph 3, of which entitled the United Kingdom to oppose any infringement of the above-mentioned principle of

equality.

Mr. YOUNG said that no discrimination was made against the nationals of any country.

The only motives of His Majesty's Government in not encouraging the settlement of Jews in Trans-Jordan were those which he had given.

M. RAPPARD said he was still not clear on one point. The Commission had received information that there was a considerable majority in the Legislative Council of Trans-Jordan in favour of permitting land to be sold to Jews. The Commission had asked whether His Majesty's Government was opposed to this. It had received the reply that His Majesty's Government did not see fit to encourage it for reasons of security. He asked whether His Majesty's Government was overriding the decisions of the League Council in prohibiting the sale of land to Jews.

Mr. YOUNG said he did not know how many members of the Trans-Jordan Council had voted in favour of the sale of land, but he could state that the Government held the view that there was not a strong body of feeling in favour of such sales, and it was not prepared to permit Jewish settlement in Trans-Jordan for the present.

M. RAPPARD asked whether this was due to trouble in Trans-Jordan or in Palestine.

Mr. YOUNG preferred to reply in general terms and not to go into details.

APPLICATION TO PALESTINE OF THE IMPERIAL PREFERENCE.

M. VAN REES referred to his remarks on this subject at the last session.¹ Since then, the question of granting preference to Palestine had been raised in the House of Commons. The United Kingdom Government had announced that it could not apply imperial preference to Palestine on account of juridical difficulties. He did not quite understand the nature of these difficulties. If they were connected with Article 18 of the mandate (economic equality), he would point out that this article was in no way opposed to the extension of the Imperial Preference Ordinance (No. 2), 1922, to Palestine. Had not this

ordinance been applicable since 1922 to the Territories of Togoland, Cameroons and Tanganyika under British mandate?

Mr. YOUNG replied that he was not in a position to specify what the difficulties were.

CO-OPERATION OF JEWS AND ARABS IN THE ADMINISTRATION OF THE TERRITORY.

M. VAN REES noted the statement on page 13 of the report that the Arab Press continued to attack the policy of the mandatory Power and that certain Arab leaders had even not hesitated to discuss a policy of non-co-operation. He asked whether this opposition was still continuing and whether it was directed mainly against the sale of land.

Mr. YOUNG replied that some opposition was continuing, though there was no marked degree of non-co-operation.

The sale of land by Arabs to Jews had led to ill-feeling and the fact that the Government had not prohibited such sales had been unfavourably received.

Count DE PENHA GARCIA noted a contradiction between the above-mentioned statement on page 13 and the statement regarding co-operation between Moslems, Christians and Jews on page 5, paragraph 16. He asked for further particulars.

Mr. YOUNG replied that the policy of creating opportunities for co-operation on local commissions and committees was meeting with a reasonable measure of success. Since the last session,^{2/} when this question had been discussed, there had been no further resignations of Arabs from local committees.

The CHAIRMAN referred to a statement in the *Jüdische Rundschau* of February 28th, 1933, to the effect that, at a Conference convened by the Arab Executive in Palestine, it had been decided to organise a movement of non-co-operation with the Government. He asked what effect had been given to that decision.

Mr. YOUNG replied that there was no serious degree of non-co-operation with the Government. Questioned further as

regards co-operation between Jews and Arabs, he said that progress was necessarily slow, but that there were grounds for the optimism expressed in the report. Since the last session nothing had happened to aggravate the position.

PREPARATION OF THE NEW LOCAL GOVERNMENT ORDINANCE.

Count DE PENHA GARCIA understood that both Jews and Arabs had been consulted regarding the proposed new Local Government Ordinance. He asked whether the accredited representative could give any information regarding the tendency of that ordinance.

Mr. YOUNG replied that the Bill in question had been laid before the local bodies some six months ago. Its object was to consolidate and revise the old Ottoman local government laws. It had not met with the approval of various bodies and had been criticised on the ground that it did not give sufficient autonomy to the local authorities. Some parties thought it did not give a sufficiently wide franchise, while others thought the franchise given was too wide. The whole question was now being reconsidered and a new Bill was being drafted in the light of the criticisms received. He had heard that the new draft was nearly complete, but he was unable to give any particulars.

Count DE PENHA GARCIA presumed that the decisions taken by local bodies would be controlled by a higher authority.

Mr. YOUNG replied that, under the first Bill, the High Commissioner had various powers, including a right of veto. Some of those powers would no doubt be delegated to the District Commissioners.

In reply to a further question, he added that the criticism dealt *inter alia* with the provisions of the Bill relating to proportional representation, female suffrage and the representation of persons not of Palestinian nationality.

ADMISSION OF WOMEN TO THE FRANCHISE.

Count DE PENHA GARCIA noted the statement on page 18, paragraph 4, that the electoral regulations of the local council of Petah-Tiqva were so

amended as to give women the right to participate in the election of the local council and to be elected as councillors. He asked whether this proposal was regarded favourably in Palestine.

Mr. YOUNG replied that, according to the existing law, the admission of women to the franchise was impossible in the municipalities, which were largely Arab, and was only possible in the local councils, which included various Jewish towns. As a rule, the Arabs were opposed to female suffrage, and the Jews, with some exceptions, were in favour of it.

Mlle. DANNEVIG asked whether it was left to the discretion of the High Commissioner as to when female suffrage should be granted. She thought the granting of female suffrage should be regarded as a right devolving on women in civilised States. The granting of the right of voting to Jewish women would eventually have an effect upon and raise the standard of the Arab women.

Mr. YOUNG replied that there was no present intention of bringing in female suffrage throughout the whole of Palestine, but that it was to be left to the discretion of the High Commissioner to admit women to suffrage, where necessary. Under the new municipal law, women's suffrage might be granted to any district at the discretion of the High Commissioner.

PROMULGATION OF AN ORDINANCE TO VALIDATE ACTS OF THE
MUNICIPALITY OF JERUSALEM
IN THE ABSENCE OF A QUORUM.

Count DE PENHA GARCIA noticed that an ordinance had been passed to validate acts done by the municipality of Jerusalem in the absence of a quorum (page 19, paragraph 7). He did not understand how the ordinance could validate acts which in themselves were not legal.

Mr. YOUNG replied that this was possible by law in Palestine. This type of legislation was not, he thought, an unusual expedient for overcoming a technical flaw.

LEGISLATIVE COUNCIL.

M. ORTS mentioned that the accredited representative had announced last year the intention to establish a Legislative Council.³ He asked what effect this declaration had had in the country.

Mr. YOUNG replied that the statement made last November by the High Commissioner was not new to the people of Palestine, as the intention of His Majesty's Government to set up a Legislative Council had been announced in a public document in 1930. The proposal had met with opposition from some quarters, and there was no unanimity on the subject, but the Government maintained its policy of establishing a Legislative Council.

LAND DEVELOPMENT SCHEME.

M. SAKENOBÉ asked what was the present situation of the development scheme. The first work of the Development Department was the registering of displaced Arabs and resettling them on the land. He understood that this preliminary work had been nearly completed. What was the work on which the department was engaged?

Mr. YOUNG said that progress had been made in determining the magnitude of the problem of the resettlement of Arabs who had lost their land owing to its purchase by the Jews. It was now known approximately how many Arabs were to be settled. The other activities of the Development Department would depend on the decision taken by His Majesty's Government on two reports drawn up by Mr. French, together with comments thereon by the Jewish Agency and the Arab Executive. These reports were now being considered by His Majesty's Government and he could not say what the decision would be.

M. VAN REES asked whether the accredited representative could bring up to date the figures contained on page 6, paragraphs 18 and 19, regarding the claims from landless Arabs: 3,188 claims, 2,441 rejected, 542 accepted, 205 still under examination.

Mr. YOUNG said that, in April last, the number of claims

accepted had risen from 542 to 584. He had no later information regarding the number of rejected claims.

Lord LUGARD asked whether any more claims were expected in addition to the 3,188 mentioned on page 6 (paragraph 18).

Mr. YOUNG replied that the list had not been definitely closed, but that no further claims were expected, as the matter had been given wide publicity.

DRAINAGE AND RECLAMATION WORK IN THE REGION OF LAKE HULEH.

M. SAKENOBE asked what was the economic and general importance of the drainage and reclamation work being carried on at Lake Huleh.

Mr. YOUNG replied that the enterprise in question consisted of the improvement of the channel of the Jordan below Lake Huleh, with a view to draining certain land and making it productive. The scheme was a very extensive one and the concessionaires had been working at it for eighteen months. Progress had not been rapid, and it would take several years before any result could be obtained. According to the terms of the concession, the work was to be completed in six years.

Lord LUGARD asked whether, after the land had been reclaimed at Lake Huleh, there was any obligation to offer it to Jews. Would the land belong to the Syro-Ottoman company or to the Government?

Mr. YOUNG replied that there was no obligation to offer land to Jews. The only obligation was that it should be offered to the persons who had originally possessed rights to the land reclaimed. Subject to this proviso, the concessionaire would be entitled to the reclaimed land.

Lord LUGARD asked whether the company would offer the land impartially to Arabs or Jews.

Mr. YOUNG said the prospect of completing the work was so

remote that it was impossible to say what the attitude of the company would be.

LAND ORDINANCES.

M. VAN REES referred to page 7, paragraph 26, of the report, which mentioned two ordinances enacted in view of the special circumstances attending dispossession in Palestine, where absentee Arab landlords sold large estates with little consideration for their tenant-cultivators or for occupiers with customary rights from time immemorial. He asked whether the landless class was primarily due to the sale of estates by absentee landlords.

Mr. YOUNG replied that this class was due to the sale of land over the heads of the tenants, though he could not say whether the absentee landlords were preponderant. The two ordinances were, however, directed against the results of sales by absentee landlords.

IMMIGRATION AND EMIGRATION.

M. RAPPARD said this was a vital question for the prosperity of the territory. In reading this part of the report and documents from private sources, he had endeavoured to ascertain the policy of the Government. In general, the flow of immigration was everywhere based on a country's capacity for economic absorption. In general, it was self-regulating. In the case of Palestine, however, His Majesty's Government was obliged by the mandate to encourage immigration, while it was at the same time compelled by reason of prudence to limit it. This paradox was obviously due to the fact that in Palestine, more than in any other country, the flow of immigrants was due to non-economic causes.

Palestine was at present in an exceptional position. In spite of the world crisis, the country was going forward by leaps and bounds and the budget showed a surplus. At the same time immigration was given an impetus by persecutions in Europe. He thought the Government considered that the immediate future seemed favourable for a liberal policy, but that it had to be careful, in view of a possible slump in the more distant future.

He was surprised, therefore, to note the statement on page

27, paragraph 6, that the Government, in deciding the size of a Labour Schedule, gave equal consideration to all prospective labour, permanent or temporary.

Mr. YOUNG agreed that present circumstances were very favourable for immigration. As a result, the number had greatly increased. During the current period of six months the number of labourers to be admitted was 4,500.

The statement that the Government gave equal consideration to permanent and temporary labour was not as illogical as it might seem. When considering the openings for temporary labour, the Government naturally took into account the effects of the impending termination of current temporary labour contracts. For instance, if there were openings for 1,500 new immigrants to be employed on temporary labour during the next six months and 1,000 men were expected to come to the end of their existing temporary employment, only 500 would be admitted. If, at the beginning of a six months' period, there was a prospect of a diminution in the amount of temporary employment available, as compared with the preceding period, the number of immigrants for permanent employment would be reduced.

He thought that the statement in the report was a reply to a criticism that the Palestine Government did not give sufficient consideration to temporary labour. It meant simply that one labourer was admitted for each prospective vacant position, whether temporary or permanent.

Lord LUGARD noted (page 21, paragraph 5), that, apart from the Labour Schedule, a number of immigrants possessed of capital were admitted. He asked whether there was any danger that they might exhaust their capital and become a burden on the country, or were they earning a livelihood?

Mr. YOUNG said the Government had that possibility in mind, but experience had shown that these small capitalists had made good. So long as that position lasted, there was no need to change the rule.

M. RAPPARD noted, on page 27, paragraph 7, that 253 prospective immigrants had been refused admission and asked whether they were included in the schedules but had been found to be undesirable on arrival.

Mr. YOUNG replied that they had probably not received certificates, but had gone to Palestine on the chance of being admitted.

M. RAPPARD asked, with reference to the statements on page 27, whether the Soviet Government still encouraged the emigration of Jews to the Union.

Mr. YOUNG said the movement had been suspended by the Soviet Government; he had received no later information on the subject.

M. RAPPARD drew attention to the useful table on page 31 showing the occupation of the immigrants. He presumed this referred to the previous occupation. A striking feature was the large number of unskilled labourers and merchants.

Mr. YOUNG thought that the occupations were those which the immigrants intended to take up on arrival.

M. RAPPARD asked whether the accredited representative could give any information, in addition to Sir John Simon's statement in the House of Commons, regarding the admission into Palestine of Jews leaving Germany at present.

Mr. YOUNG said he had not much information to add. The total number of certificates allocated in April was 4,500.

M. RAPPARD asked whether the result had been to allocate part of the pre-established schedules to German Jews or to increase the total number.

Mr. YOUNG said that the number of authorisations had not been specifically increased for German emigrants, but the result had been to increase the number of allocations to German Jews.

M. RAPPARD presumed that many German immigrants did not come under the Labour Schedules. He asked whether His Majesty's Government had approached the German Government with a view to allowing Jews emigrating to Palestine to export their possessions from Germany.

Mr. YOUNG said this question had been considered, and he understood that the German Government allowed Jews who had received a permit to enter Palestine to take the amount of 1,000 required by immigrants of Category A.

M. RUPPEL said that German legislation prohibited the export of capital on account of the *devisen* situation, but he understood that persons wishing to settle in foreign countries could be allowed to take about £1,000 with them.

Lord LUGARD referred to a report in The Times a few weeks previously to the effect that a large number of emigrants were smuggled across the frontier from Syria by a "regular agency". Some fifty of these emigrants had been detected and deported. He asked whether the Jewish Agency took any steps to stop this practice.

Mr. YOUNG said that such smuggling of immigrants into Palestine took place to a considerable extent. He did not think the Jewish Agency was in a position to check it, but the Government was taking active measures, as was shown by the statement in The Times.

M. VAN REES asked the reason for the large increase in the number of Jewish immigrants from certain countries in 1932 -- for example, 1,055 from Iraq as against 113 in the previous year, and 455 from Persia as against 39.

Mr. YOUNG thought it was due to a general increase in the Labour Schedule. There were twice as many immigrants in 1932 from Europe, five times as many from Asia and three times as many from Africa.

M. RUPPEL noted that, according to the table on pages 28 and 29, there were only 212 Moslem immigrants. He thought this figure could not be correct, as there was a large movement of Arabs from neighbouring countries to Palestine. Perhaps the immigration across the Jordan was not controlled.

Mr. YOUNG said that this explanation was correct, as Arabs coming in from Trans-Jordan did not require passports.

FOURTEENTH MEETING

Held on Tuesday, June 27th, 1933, at 3.30 p.m.

Palestine and Trans-Jordan: Examination of the Annual Report for 1932 (continuation).

Mr. Young came to the table of the Commission.

LAND REGIME.

M. VAN REES drew attention to paragraph 1, page 33, of the report and asked why -- though there were so many protests against the sale of land to Jews -- the Arabs nevertheless continued to sell their land.

Mr. YOUNG said that this lack of unanimity undoubtedly existed; some sold land whilst others protested.

M. VAN REES drew attention to the passage : "Large areas of State domain continue to be assigned to the Department of Agriculture for afforestation" (page 34). He had been under the impression that there was very little State domain in Palestine. Under Article 6 of the mandate, the Administration was required to encourage the settlement of Jews on land, including State lands and waste lands, not required for public purposes. It had always been said, however, that, as regards State lands, this article could not be applied as those lands were lacking.

Mr. YOUNG said that the expression "large areas" must be taken to mean a considerable portion of the very small State domain in Palestine. A list of the actual properties constituting it would be found in Sir John Hope-Simpson's report. It consisted of a number of small scattered plots

of land.

In view of the financial situation, the Administration had been able to afforest only a small area.

Lord LUGARD asked whether the area of the State domain had been settled, in accordance with the recommendation of the Dowson report.

Mr. YOUNG believed that all State domain areas had now been defined but was unable to give the figures.

Lord LUGARD observed that the Administration had leased from the Jewish National Fund 3,000 dunums of land in the Baisan sub-district, which the Jews had always desired to keep, for the purpose of resettling the displaced Arabs belonging to the northern section of the Wadi Hawareth tribe (page 6, paragraph 20). Would the land be handed back to the Jews when the lease expired, or would the Government continue to hold it?

Mr. YOUNG said that it was not intended to return the Baisan land to the Jews from whom it had been purchased. The land leased to the Government by the Jewish National Fund referred to in the last sentence of the passage in question was entirely different land situated in the Wadi Hawareth. It had been occupied by the Arabs in the past, and they were still there as tenants of the Government. The Government had now purchased other land in Baisan on which to settle these people. The lease of the Wadi Hawareth land would terminate, if all went well, in September.

Lord LUGARD pointed out that the Dowson report recommended the adoption of the "5-fedda law" of Egypt. Did the Administration intend to adopt this recommendation?

Mr. YOUNG said that information on this point would be given in the next report.

LEGISLATION RELATING TO THE PRESS.

M. RUPPEL asked for an explanation of the passage : "This ordinance confers temporary exclusive rights in respect of telegraphic Press messages" (page 44).

Mr. YOUNG said that the object of the ordinance was to confer ordinary copyright privileges for a limited period. The exclusive rights were given to the newspaper entitled to the copyright.

In reply to a further question by M. Ruppel, Mr. Young said that the Press Law was enacted at the beginning of 1933, and was not covered by the period of the report.

JUDICIAL ORGANISATION.

M. RUPPEL asked whether provisions similar to those of the Magistrates' Courts Jurisdiction (Amendment) Ordinance were applicable to the district courts. He understood that there was no Hebrew-speaking judge in the Haifa district, though there had been one at the beginning of the mandate. What was the reason for this and what steps, if any, did the Administration intend to take?

Mr. YOUNG said that it was not the practice to transfer cases from one district court to another on grounds of language, as these courts were quite capable of dealing with all cases arising within their jurisdiction. In the Haifa District Court, although there was at present no Jewish judge, Jewish cases were being dealt with satisfactorily, so far as he knew, by means of an interpreter. It was true that, since the appointment of an Arab judge some three years previously, there had been representations from Jews that a Jewish judge should be appointed. It was the policy of the Administration to appoint the most suitable person, having regard to his capabilities and seniority, irrespective of race, except in those cases where it was essential to appoint a judge of one race or the other.

M. RUPPEL said he had understood that, at the beginning of the mandate, the Administration had undertaken always to appoint a Jewish judge in each of the three principal district courts, and drew the attention of the accredited representative to the fact that the Jewish population at Haifa and in the Emek, the greater part of which belonged to the competence of the district courts at Haifa, had increased considerably during the last year.

M. Ruppel further asked for explanations with regard to the new Criminal Code which,

according to *The Times* of June 9th, 1933, was to supersede the Ottoman Code.

Mr. YOUNG said that, in accordance with the usual practice, the new draft Criminal Code had been published for information about a month previously. There would be ample opportunity for all interested parties in Palestine to comment on it before the law was officially enacted.

The CHAIRMAN asked whether the Code had been prepared by English legal experts.

Mr. YOUNG replied in the affirmative; the legal officers of the Palestine Government had drawn it up. In answer to another question he said that it was doubtless based, in part, at any rate, on other existing codes, such as the Indian Penal Code and the Code in force in Cyprus.

M. RUPPEL was glad to note that, in the year under review, only one advocate had been found guilty of unprofessional conduct. As he had raised this question at the previous session,^{4/} he desired to state that there would possibly be no justification for criticising all advocates on account of exceptional cases.

He further asked whether advocates were ever appointed as judges.

Mr. YOUNG said that a few advocates had been appointed to magistracies. Thereafter they could, by promotion, become judges.

M. RUPPEL said that a Bill relating to the appointment of Palestinian advocates as public notaries had been published in the *Official Gazette* of July 1st, 1932. He understood that its withdrawal had been announced in the *Official Gazette* of September 22nd, 1932, no reason being given.

M. Ruppel also noted that a probation officer had been appointed to deal with young delinquents (page 51). He would be glad to have further information on this development in the next report.

No reference was made in the report to the Collective Punishment Ordinance. The Palestine Gazette of May 4th, 1933, stated that no less

than 206 villages had been added to the first schedule of this ordinance. What was the explanation of this measure?

Mr. YOUNG said that he was not in Palestine at the time, and he was unaware of any such recent wholesale application of punishment under the ordinance. If it were so reported officially he was not, of course, in a position to contradict it, and could only suppose that the ordinance had been applied on account of agricultural crime. Information on this subject and on the other matters mentioned by M. Ruppel would be given in the next report.

CHILD MARRIAGE.

Mlle. DANNEVIG pointed out that, in its observations to the Council on the annual report for 1931,⁵ the Commission had expressed the hope that the next annual report would contain information as to the results of the investigation undertaken by the Administration, in collaboration with the various religious communities, on the question of the age for marriage. As this information was not given in the report for 1932, she would be glad if the accredited representative could furnish it.

Mr. YOUNG said that, since the last session, this matter had been the subject of considerable enquiry in Palestine, as a result of which it was established that the practice of child marriage among the inhabitants of Palestine was definitely on the decrease and did not at present amount to alarming proportions. Nevertheless, the Government of Palestine was determined to put an end to the practice, and for this purpose had been in consultation with the heads of the various religious communities. The results of that consultation had been satisfactory. The heads of the different religious denominations were all willing to cooperate with the Government, and it was proposed to incorporate the necessary legislative provisions in the new Criminal Code.

The CHAIRMAN said that the Mandates Commission had taken up the matter, first because it was very desirable that the practice of child marriage should cease, and secondly because various associations for the protection of women and children had taken a legitimate interest in the question.

Mlle. DANNEVIG pointed out that, in her opinion, the position was not at all satisfactory. In the first place, the age-limit was too low. In other Mohammedan countries -- India and Egypt, for example -- it was 14. In the second place, the last paragraph of Section 182 of the Criminal Code provided that:

"It shall be a good defence to a charge brought under paragraphs (b) or (c) of this section to prove:

"(a) That the marriage of a female under the age of 13 years completed was not repugnant to the law governing the personal status of the female, and

"(b) That, notwithstanding the fact that the female is under 13 years completed:

"(i) She has reached puberty, and

"(ii) No physical ill-effects would follow a consummation of the marriage

by her."

That appeared to destroy the effect of the earlier paragraphs. She would be glad to know what was meant by "the law governing the personal status of the female".

She added that the Code did not at all satisfy those working for the protection of children. It was a great disappointment that, in a country like Palestine, the law should be more backward than in the surrounding Moslem countries.

Mr. YOUNG said he had noted that Mlle. Dannevig thought the age-limit too low and that she took exception to the proviso attached to the article in question. He added that the Code was in draft form and was subject to alteration, and that Mlle. Dannevig's observations would be received in Palestine in time for full consideration to be given to them.

Mlle. DANNEVIG asked whether the effect of the article would be that Moslem girls could marry under 13 years of age. What was the Jewish personal status in this matter? Were Jews and Christians prohibited from marrying girls

under 13, and would the article apply chiefly to Moslem girls?

Mr. YOUNG was not in a position to say what was in the minds of those who had prepared the Code. It had been published after he had left Palestine.

The actual terms in which child marriage should be prohibited were still under the consideration of the Palestine Government and His Majesty's Government, and the terms in which the draft Code dealt with the matter need not be regarded as final; the section was no doubt included for the purpose of inviting discussion. Mlle. Dannevig's remarks would be brought to the notice of the Palestine Government without delay.

Mlle. DANNEVIG was glad to hear this statement; the paragraphs alluded to had appeared to be in open contradiction with the views expressed by the High Commissioner at the previous session.6/

COLLECTION OF LAWS IN FORCE IN PALESTINE.

Lord LUGARD asked when the Commission could expect a complete volume of the laws of Palestine.

Mr. YOUNG replied that the laws were in process of revision and that a complete edition would be brought out possibly by the end of the present year.

EXECUTION OF THE WORK FOR THE CONSTRUCTION OF HAIFA HARBOUR; ECONOMIC EQUALITY.

The CHAIRMAN pointed out that, according to paragraph 1 on page 55 of the annual report, the construction of the Haifa harbour was being carried out by the Public Works Department, which would not be contrary to the terms of the mandate. It seemed, however, that, instead of itself taking steps to carry out these works, the Public Works Department had incorporated in the public services the engineers and organisation of a private building company, which had in this way conferred on itself the contract for the work.

If that were so, it seemed to him to be a roundabout way of giving the contract for public works to a private company without offering it for tender in the usual way, which, in

his view, was contrary to the principle of economic equality.

He was aware that discussions were at present in progress between certain Powers and the United Kingdom Government in this connection, and, while he did not desire to intervene in these discussions, he would be glad if the accredited representative could say exactly what procedure was followed by the Government of the mandated territory in these circumstances and, if possible, what agreements had been concluded between the Government and the private company in question.

Mr. YOUNG said that the work for the construction of Haifa harbour had not been offered for tender, but was being carried out by a Government department -- not the Public Works Department, but a special department brought together for the purpose. The engineer in charge was an officer of the Palestine Government, which also had the services of consulting engineers. The work had not been put into the hands of a company.

The CHAIRMAN said that, on the other hand, it was suggested that the company had put itself into the hands of the Government -- that the whole organisation of the private company had been taken over.

Mr. YOUNG did not think that that represented the facts. The engineers were employed independently and were the servants of the Government, not of a company.

The CHAIRMAN asked whether the accredited representative was absolutely sure that events had happened as he had explained.

Mr. YOUNG said that the organisation by which the Haifa harbour was being constructed had been constituted before he reached Palestine, and he would only repeat that that was his opinion. Part of the work -- the dredging of the harbour -- had been given out to a company after tenders had been called for, but the general work of construction -- breakwaters and harbour buildings -- was being carried out by a Government department.

ECONOMIC SITUATION : EXPORTS AND IMPORTS.

M. MERLIN said that, fortunately, the economic situation was favourable at a time when most countries were passing through a period of depression. There appeared to be considerable movement in the export and import of specie. To what was this due?

Mr. YOUNG said that an explanation would be given in the next report.

M. MERLIN asked why there had been so sudden an increase in the import and export trade with the United Kingdom?

Mr. YOUNG could give no special reason, other than the general increase in prosperity.

M. MERLIN asked why there was a marked fall in imports from Syria.

Mr. YOUNG said that the matter would be dealt with in the next report.

M. MERLIN asked whether the export trade from Syria and the transit trade through Syria to Trans-Jordan was still dwindling (page 212).

Mr. YOUNG said that it had continued to do so until the end of 1932, and he had heard nothing to indicate that there had been a turn in the tide.

M. MERLIN asked whether, in that event, steps were being taken to revise the 1928 Agreement between Palestine and Trans-Jordan.

Mr. YOUNG replied that the question had been raised, but it was unlikely that the sum paid by Palestine to Trans-Jordan, which was a payment in respect of the Customs duty paid in Palestine on goods subsequently exported to Trans-Jordan, would be reduced. The Trans-Jordan Government was certainly opposed to any reduction.

Lord LUGARD presumed that the most important question in the economic situation of Palestine was the enormous adverse trade balance amounting to nearly 5 1/2 million pounds sterling (page 160). There was perhaps no country in the world with so great an excess in the value of imports over exports. By what invisible exports was the difference,

which amounted to 53 per cent of the total trade, covered? Was this due chiefly to funds subscribed by Jews, which was not a stable amount from year to year, and to that extent was it spent on remunerative works?

Mr. YOUNG explained that the invisible exports of Palestine might be said to be the tourist traffic and contributions from abroad for building up the Jewish National Home. This accounted for the difference in the trade figures for imports and exports.

Lord LUGARD asked what constituted the large surplus of imports? Was it mainly Government imports for harbour construction and material for the Iraq Petroleum Company, or was there a large quantity of dutiable goods from which revenue would be derived?

Mr. YOUNG did not think this surplus was made up of imports for the Government or the Iraq Petroleum Company, but of general imports -- such as food and clothing from Europe -- which, as had been suggested, produced a very considerable Customs revenue. There was a general Customs tariff on imports.

Lord LUGARD, referring to paragraph 13 of the official letter from the President of the Jewish Agency to the High Commissioner (covering the annual report from the Agency) asked whether the Government was co-operating with the Jewish Agency to discourage an artificial boom and whether the situation gave rise to much speculation. Were the bills offered for discount genuine mercantile bills?

Mr. YOUNG said that, on the whole, the position might be described as sound and not on a speculative basis.

Lord LUGARD noticed that last year only 43 per cent of the citrus products were exported by Jews and this year 50 per cent, and asked by whom the balance was exported.

Mr. YOUNG said the remainder was exported by Arabs, who owned large citrus areas.

PROJECTED CONSTRUCTION OF A RAILWAY IN CONNECTION WITH THE
PIPE-LINE.

Lord LUGARD asked whether there was any prospect of a railway being constructed along the pipe-line, or alternatively from Jerusalem to Amman.

Mr. YOUNG replied that the matter had been under consideration and investigations had been made, but no decision had yet been reached.

Lord LUGARD asked which project the Government favoured.

Mr. YOUNG said that the railway would not in any case go from Jerusalem to Amman. If constructed, it would run from Haifa, either in close proximity to the pipe-line or between the pipe-line and Amman.

HOLY PLACES.

M. PALACIOS said that at its last session 7/ the Commission had replied to petitions received from both Jews and Arabs complaining against the solutions given in connection with problems raised by the events that had occurred at the Wailing Wall. Had the difficulties been settled?

Mr. YOUNG was glad to say that there had been fewer difficulties in connection with the Wailing Wall. The whole matter had, in fact, receded into the background.

M. PALACIOS pointed out that it appeared from Press reports that, on the day of Epiphany, Greek dissenters had again violated the status quo of the Holy Places. Could the accredited representative give any information on this point?

Mr. YOUNG said he could not recall the incident. It must have been of minor importance.

The CHAIRMAN was under the impression that Mr. Young had himself been mentioned as having refused to see the person who had made the complaint.

Mr. YOUNG suggested that the Chairman might be referring to a letter addressed to the Chief Secretary, the writer of which was told to apply to the District Commissioner, who would normally deal with such disputes.

M. PALACIOS observed that on page 58 of the report (paragraph 4) it was stated that, owing to dissensions between the Orthodox and Latin communities, the cleaning of the Church of the Nativity had been postponed indefinitely. Could the accredited representative say whether this affair had been settled?

Mr. YOUNG said that this was a dispute as to who had the right to clean the windows, the result of which was that they had been left uncleaned. It was the policy of the Palestine Government not to intervene more than was necessary in such matters. Except to prevent actual strife, it did not attempt to enforce a settlement, but left the part to settle such questions for themselves, and, though this might involve delay, common sense would no doubt prevail in the end.

The CHAIRMAN thought it rather strange that when the Holy Places were in the hands of the Turks, who were Moslems, they took steps to maintain respect for the *status quo*, whereas at the present time the mandatory Power did not appear to attach sufficient importance to these questions, and adopted a policy of leaving the parties to settle their disputes themselves. As a result, incidents continually occurred and increased the friction. In his view, it was certainly the duty of the mandatory Power to do its utmost to avoid these incidents.

Mlle. DANNEVIG desired to emphasise the Chairman's remarks. It was a common cause of grief and disappointment to Christian pilgrims to Jerusalem that the sanctity of the Holy Places was not always sufficiently respected. She was sure they would be most grateful to the mandatory Power if it could improve the situation and encourage co-operation between the different Christian communities in Palestine in order to create an atmosphere of peace and goodwill in the Holy Places, corresponding to the religious feeling of the visitors.

Mr. YOUNG agreed with Mlle. Dannevig's remarks on the desirability of co-operation. He would not like it to be thought for a moment that the Palestine Government regarded with indifference the unfortunate dissensions surrounding the Holy Places of Palestine, but there was a limit to the extent to which it was wise for the Government actively to intervene. He dissented from the view expressed by the

Chairman. The Government of Palestine set the greatest store by keeping order in the Holy Places, and seeing that there was no breach of the peace, and in its administration of the Holy Places it had achieved this object. He thought it probable that, in the time of Turkish rule, much more serious incidents had arisen than the one under discussion. There was, he felt, no reason for the Government of Palestine to consider itself to blame over the incident of the windows which were left uncleaned.

Mr. Young drew attention to another incident mentioned in the same paragraph (page 58) in which the Government had seen fit to intervene, and which had been satisfactorily settled.

RESOURCES OF THE MOSLEM AND JEWISH RELIGIOUS COUNCILS.

M. PALACIOS understood that the members of the Supreme Moslem Sharia Council were still appointed by the Government.

Mr. YOUNG said that that was so.

M. PALACIOS understood that, as a result of the financial situation, the income of the Council was seriously reduced, and asked whether the Government financed the Council.

Mr. YOUNG said that it made the payments referred to on page 14, paragraph 59, of the report. The main revenue of the Supreme Moslem Council was derived from taxation on Waqf lands. It was usually collected by the Government and handed over to the Council.

The arrangement for the payment of a lump sum, details of which were given in paragraph 59, was satisfactory to the Council. The Government thought it only fair to compensate the owners of Waqf territories for the remission and reduction of the taxes of the fellahin, in which, of course, the Council had no voice.

M. PALACIOS said that, having read page 14 of the report, he desired to ask whether the Council was not becoming increasingly an organ of the Administration, since the latter appointed its members and supplied a large part of its revenue.

Mr. YOUNG said that it was intended to restore the principle of election. In the meantime, the Council was content to continue as at present.

M. PALACIOS asked whether the Jews did not consider that similar treatment should be extended to the Jewish religious courts.

Mr. YOUNG replied that the Jews had claimed that, as the Moslem religious courts were subsidised by the Government, and, indeed, were directly descended from the Moslem courts which were Government courts under Ottoman rule, the Government should in fairness subsidise the Jewish religious courts. His Majesty's Government was considering this claim.

M. RUPPEL asked whether the Jewish religious community had introduced internal taxation.

Mr. YOUNG replied that, under the Communities Ordinance, the Jewish community was empowered to raise funds by internal taxation. He believed they were beginning to do so, but did not know to what extent. Further information would be given in the next report.

LIBERTY OF CONSCIENCE.

M. PALACIOS said that a good deal had appeared in the Press about so-called attacks on Catholicism and Catholics in Palestine. The policy of the mandatory Power, in the various incidents in which there had been friction between the Latin and Orthodox elements, had been criticised as being not entirely impartial. Could the accredited representative say what had actually happened?

Mr. YOUNG said that the mandatory Power always aimed at complete impartiality. In the absence of details of the particular cases which M. Palacios had in mind, he was unable to say more.

Notes

1/ See Minutes of the Twenty-second Session of the Commission, page 93.

2/ See Minutes of the Twenty-second Session of the Commission, page 83.

3/ See Minutes of the Twenty-second Session of the Commission, page 85.

4/ See Minutes of the Twenty-second Session of the Commission, page 91.

5/ See Minutes of the Twenty-second Session of the Commission, page 363.

6/ See Minutes of the Twenty-second Session of the Commission, page 94.

7/ See Minutes of the Twenty-second Session of the Commission, pages 331 to 333.
