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Telegrams: Jewcorrau London.
Telephone: Central 6501-3.

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PALESTINE DEVELOPMENT SCHEME CRITICISED BY LEAGUE OF NATIONS MANDATES COMMISSION: VICE-CHAIRMAN SURPRISED THAT PRINCIPAL OBJECT IS TO RE-ESTABLISH ARABS AND EVERYTHING ELSE CONSIDERED SECONDARY: COUNT GARCIA FAILS TO UNDERSTAND USE OF TERM "DISPOSSESSED" CONCERNING ARABS WHO SOLD LAND TO JEWS AS NORMAL TRANSACTION: SAYS SITUATION OF ARAB PEASANTS ONLY PARTLY DUE TO JEWISH IMMIGRATION: DIFFICULTY IS INSUFFICIENCY OF LAND AND URGES GOVERNMENT TO INVESTIGATE POSSIBILITY OF BRINGING FRESH LANDS UNDER CULTIVATION AND EXTEND AGRARIAN REFORM TO SOLVE PALESTINE PROBLEM.

Geneva, Aug. 25th. (Jewish Telegraphic Agency).

The Palestine Development Scheme was subjected to a great deal of criticism by the League of Nations Mandates Commission at its last session here in June, according to the minutes which have just been released preparatory to the presentation of the Mandates Commission's Report to the meeting of the League of Nations Council, which is opening here next Monday week, September 7th.

M. van Rees, the Vice-Chairman of the Commission, said that he was surprised that the principal object of the Land Development Scheme was to re-establish the Arabs who had been expelled owing to the sale of land to the Jews, and that everything else was considered as secondary. He wondered how this part of the plan could be put into operation without knowledge not only of the number of Arabs to be re-established on the land, but also under what conditions they had left, voluntarily or otherwise, the lands they had occupied.

Count de Penha Garcia said that he did not quite understand why the term "dispossessed" was used in respect of the Arabs. He thought that the Jews had bought the land and that the Arabs had sold it. This was a normal transaction. The Arabs in question had sold their lands and in many cases the farmer who had occupied them had even received indemnities, so that it was incorrect to say that they had been evicted or dispossessed. In these circumstances why should they be given land as reparation? Such a method of visualising the problem was not calculated to improve the relations between the two races.

Was it a question, he asked, of improving the position by means of an agrarian reform of the former farmers who had been evicted from the land bought by the Jews? This would be too narrow a problem.

In reality, he said, the point involved was that of the situation of the Arab peasants, which was only partly due to the Jewish immigration. The difficulty of the problem arose from the quantity of cultivable land which was available for distribution. It would be necessary to ascertain whether it was possible to bring fresh lands under cultivation, seeing that those available were insufficient. When this investigation had been made and the preparatory work completed, it could be seen whether the Government had enough to distribute to everybody. On this capital point, he concluded, would depend the question of the agrarian reform, and its effect on the solution of the Palestine problem.

Only Pledge Given By British Government Is To Give Land To Persons Dispossessed Of It As Result Of Jewish Colonisation Dr. Drummond Shiels Says When Asked Whether Administration's Attention Confined To Arabs Evicted As Result Of Sale Of Land To Jews Or Also Directed To Arab Occupants Evicted By Arabs.

Dr. Drummond Shiels, the British Accredited Representative, replied that it was true that some at least of the dispossessed Arabs had received cash compensation for leaving the land. It had, however, been agreed generally, he added, and this, he said, applied to the Jewish authorities, that when Arab peasants had been displaced as a result of Jewish colonisation and no other land or occupation had been found for them, other land should be given them. With regard to Arabs who had never been in possession of land, it would depend on the later working out of the Development Plan whether or how land would be available for them when more cultivable land was created. He pointed out that the dispossessed Arabs were in most cases not owners but tenants who had been turned out when the land changed hands.

M. van Rees said that he was glad to hear that further enquiries would be made, which would not merely fix the number of tenants evicted as a result of the Jewish colonisation. He asked whether the Administration's attention was confined to Arabs who had been evicted as a result of the sale of land to the Jews, or whether it was also directed to the Arab occupants who had been evicted as a result of land transactions concluded between Arabs. In this connection M. van Rees recalled a letter from the British Government to the League of Nations dated May 11th., 1931, dealing with a memorandum which had been sent to the League by the Palestine Arab Executive, and in these observations, he pointed out, it was said, among other things, that "it should be borne in mind that the Arab landlords themselves have in some cases evicted agricultural tenants".

Dr. Drummond Shiels said that he thought the passage in question referred to evictions from land which was about to be transferred to Jewish owners. He pointed out that the only pledge given by the British Government was to give land to persons dispossessed of it as a result of Jewish colonisation.

In reply to M. Sakenobe, who asked what the position would be of Jewish immigrant farmers during the period when the Development Scheme was being elaborated, Dr. Shiels replied that the Jewish Agency had considerable reserves of land which would not be fully utilised by the time the Development Scheme was fully set up.

Waste Lands: M. Van Rees Wants To Know If Ottoman Law Providing That Land Uncultivated For Three Years Reverts To State Is Still In Force: Yes Says Palestine Chief Secretary But Not Aware Of Any Case Where Applied In Case Of Large Arab Landowners Leaving Part Of Their Land Uncultivated.

M. van Rees pointed out that under the Ottoman Law "in the event of failure to cultivate for three consecutive years or of failure of heirs within certain degrees, the land reverts to the State as 'Mahlul' (vacant land)". Was this law still in force? he asked.

Mr. Young, the Chief Secretary to the Palestine Government, replied in the affirmative. The land became "Mahlul", he said, but the owner was entitled to recover it on payment of the unimproved value of the land. To his knowledge, he added, this provision had not been universally applied.

When M. van Rees asked if it had been applied on occasion, Mr. Young replied in the affirmative.

M. van Rees then asked whether it had been applied in the case of large Arab landowners who left part of their land uncultivated, and Mr. Young replied that he was not aware of any such case.

M. Orts asked when the Land Development Plan was to be put into operation. It was said that the detailed measures had still to be worked out. What were the measures in question? Did it mean that the Administration proposed to wait until all the land had been surveyed? That work might take years. He would also like to know for what purpose the 2½ million pound loan was intended. How much of it would be devoted to land development?

Dr. Drummond Shiels replied that the Commission might take it that the first object of the Scheme was the replacement of landless Arabs who had been dispossessed as a result of Jewish colonisation. It might take six months or more to obtain the necessary particulars as to the actual position and the possibilities of development. When these particulars and suggestions were available it would be possible to draw up lines of action for the development authority to work out.

Lord Lugard asked whether the Jews did not claim to have made provision for all the Arabs who had been evicted as a result of Jewish land purchases.

Dr. Shiels replied that the Jews claimed not to have dispossessed Arabs in any case without compensation. But the compensation, he added, frequently took the form of money, and had been spent by the recipients who were now without either land or money. He added that the Jewish authorities quite agreed that these dispossessed Arabs should be a first charge on the Development Fund.

Do All Dispossessed Arabs Want To Be Given Land? Lord Lugard Asks: Would Not Some Prefer To Become Wage-Earners? Curious Fact Pointed Out By M. Van Rees That Precisely Large Arab Landowners Who Protest Most Vigorously Against Sale Of Land To Jews Profit Most From Those Sales And In Spite Of Their Protests Will Continue To Profit.

Lord Lugard asked whether that meant that all the dispossessed Arabs were to be given land. Would not some prefer to become wage-earners?

In reply, Dr. Shiels quoted from the Prime Minister's letter to Dr. Weizmann that it was intended to apply to such Arabs as can be shown to have been displaced from the lands which they occupied, in consequence of the lands passing into Jewish hands, and who have not obtained other holdings or other equally satisfactory occupation. The last five words, he said, were the answer to Lord Lugard's question.

M. van Rees asked whether it would be possible to explain the curious fact that it was precisely the large Arab landowners who protested most vigorously against the sale of land to the Jews, although they had benefited most from those sales, and if he were not mistaken would continue to profit, in spite of their protests that all sales of land to the Jews should be prohibited.

Dr. Shiels Tells Commission Sir John Hope Simpson Was In Palestine Only Two Months And Had To Accept Estimates Supplied To Him: But New Enquiry Is Different Matter: Erroneous To Think Great Deal Of State Land Available For Settlement He Says But Closer Jewish Settlement Is One Of The Items Of Development Programme.

Dr. Shiels, in the course of his reply, said that M. van Rees would appreciate that Sir John Hope Simpson had only been in Palestine for a little over two months, and had in that period to conduct a very extensive enquiry. Sir John Hope Simpson had been bound to accept estimates and approximations as supplied to him. Under the circumstances he could not do otherwise. The new enquiry, however, he assured the Commission, was a different matter and would cover all the extremely important points which M. van Rees had raised.

Dr. Drummond Shiels added that the idea that a great deal of State land was available for settlement was quite erroneous. In any case, he said, closer Jewish settlement was one of the items of the Development Programme.

Mr. Ramsay MacDonald's Letter Of Interpretation Of White Paper More Than Mere Interpretation Of White Paper Says M. van Rees: White Paper Gave Impression That Reservations Were Obstacles In Way Of Establishment Of Jewish National Home And To Jewish Immigration And Agriculture: Also White Paper Made It Appear British Government Assumed Responsibility Only For Jews In Palestine While Mandate Refers Expressly To Jewish People In General: An Essential Distinction.

M. van Rees drew attention to parallel passages from the White Paper and Mr. Ramsay MacDonald's letter of authoritative interpretation, which he claimed showed that this letter sent to Dr. Weizmann contained more than a mere interpretation of the White Paper. In paragraph 3 of the Prime Minister's letter, he said, he found that "His Majesty's Government recognises that the undertaking of the Mandate is an undertaking to the Jewish people and not only to the Jewish population of Palestine". The White Paper, on the contrary, nowhere gave the impression that any special importance was attached to this essential distinction. Judging, for example, from the last sub-paragraph of paragraph 3, it rather appeared that the British Government had only assumed responsibility as regards the Jews established in Palestine, whereas the preamble to the Mandate referred expressly to the Jewish people in general.

M. van Rees pointed out also that in paragraph 7 of the Prime Minister's letter it was laid down that the words "rights and position of other sections of the population" occurring in Article 6 of the Mandate "are not to be read as implying that existing economic conditions in Palestine should be crystallised. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement of Jews on the land remains a passive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine".

These perfectly justifiable interpretations, M. van Rees said, were little in accord with the spirit of the White Paper, which in more than one place gave the impression that the reservations quoted were rather obstacles in the way of the establishment of the Jewish National Home and therefore obstacles as much to Jewish immigration as to the extension of the Jewish agricultural enterprises.

Jewish Agency Not Playing Important Part As Official Advisory Body Which Authors Of Mandate Without Doubt Intended It To Play: In Beginning Very Much More Active Role Was Given To Agency Mr. van Rees Complains: Dr. Shiels Says He Recognises Importance Of This Point And Will Keep It In Mind.

M. van Rees went on to deal with the position of the Jewish Agency. The discussion during the fifteenth session of the Mandates Commission had made it appear, he said, that it was at least very doubtful whether the Jewish Agency had been able, in its capacity of official advisory body, to play a part approaching that which, without doubt, it had been intended to play by the authors of Article 4 of the Mandate. This impression was corroborated by the information given in the annual report of the British Government on the Administration of Palestine, in which reference was made to three cases, of which two were fairly recent, in which the Agency had been consulted by the Administration. Apart from these, it was left to the Agency to take the initiative in giving such advice. It would be difficult, he said, after carefully analysing the terms of Article 4 and comparing it with the guiding principle expressed in the preamble to the Mandate not to admit that in the beginning a very much more active role was given to the Agency in its capacity of advisory body.

Dr. Drummond Shiels replied that the Palestine Government was always anxious to maintain friendly relations with the Jewish Agency. On all important questions the Agency had an opportunity of giving its views. He recognised the importance of M. van Rees' statement, he added, and would keep it in mind.

Mr. Young, the Chief Secretary to the Palestine Government, also said that the Government was in fairly constant consultation with the Agency and he had himself consulted it on various matters.

Complaint That Paragraph 2 Of Article 11 of Mandate For Arranging With Jewish Agency To Develop Resources Of Palestine Remained A Dead Letter: Was Not Introduced In Mandate To Be Left On One Side M. Van Rees Says.

M. van Rees pointed out that paragraph 2 of Article 11 of the Palestine Mandate provides that the Administration may arrange with the Jewish Agency to construct or operate public works, services, or utilities and develop the natural resources of the country. The reply given by the Mandatory Government to the Mandates Commission's question on the carrying out of this provision merely stated that it had not been necessary to make any arrangement with the Jewish Agency. Paragraph 2 of Article 11 of the Mandate had therefore remained a dead letter, he said. This paragraph had not been introduced in the Mandate in order that it might be left on one side. It was useless to emphasise, as was done in paragraph 8 of the White Paper, that the provision in question "is only permissive and not obligatory". It was none the less true that within the limits of the Mandate this provision had a special meaning.

On December 29th., 1921, he pointed out, the United States Ambassador in London suggested the introduction into the Palestine Mandate of the provision of Article 7 of the B Mandate for East Africa and Sir Eyre Crowe replied: "The suggestion appears to His Majesty's Government to overlook the peculiar conditions existing in Palestine, and especially the great difference in the natures of the tasks assumed in that country and undertaken in East Africa. So far as Palestine is concerned, Article 11 of the Mandate expressly provides that the Administration may arrange with the Jewish Agency mentioned in Article 4 to develop any of the natural resources of the country insofar as these matters are not directly undertaken by the Administration. The reason for this is that, in order that the policy of establishing in Palestine a National Home for the Jewish People should be successfully carried out, it is impracticable to guarantee that equal facilities for developing the natural resources of the country should be granted to persons or bodies who may be actuated by other motives". In this explanation, M. van Rees said, it was clearly recognised that paragraph 2 of Article 11 of the Mandate, far from being of no importance, had been intentionally inserted in the Mandate and was one of the constructive elements of the policy which the Mandatory Power had undertaken to adopt with a view to the establishment of the Jewish National Home. It was very certain that if the provisions of Article 11 were rendered practically non-existent, the intentions of the authors of the Mandate would be materially exceeded and the importance of the machinery which the British Government attached to it in 1921 and 1922 would be ignored.

Dr. Drummond Shiels replied that if the form of the question relating to this matter were altered the Administration would be glad to alter the form of its reply. He might say, he added, that the Jewish Agency had not been very active in the course of the past year, probably for economic reasons. So far as he knew, no application had been received from it for the delegation of public utilities of any kind. But if the Agency did apply, its application would receive sympathetic consideration. He agreed in conclusion with M. van Rees, that many of the articles of the Mandate were none too clear. The British Government appreciated M. van Rees' careful study of the terms of the Mandate, and his comments would undoubtedly be of great value to them.

Palestine Nationality Law Takes No Account Of Exceptional Position Of Jews In Palestine: Does Not Even Mention Jews: In International Law Dr. Shiels Argues There Is No Such Thing As Jew From Standpoint Of Nationality: Jew Comes To Palestine Not As Jew But As Foreign National: Balfour Declaration Mandate And White Paper M. Van Rees Replies Introduced New Element Into International Law In Favour Of Jewish People.

M. van Rees then raised the question of the Palestine Nationality Law of 1925, in which, he said, he felt that very inadequate provision had been made to facilitate the acquisition of Palestinian citizenship by Jews, seeing that the law did not even mention the Jews and contained absolutely no indication that due account had been taken of their exceptional situation in Palestine. Considered as a law for regulating the acquisition of nationality it might be perfect, but it could be so only in a country other than Palestine.

Dr. Drummond Shiels in reply said that one difficulty was that when a Jew came to Palestine he came not as a Jew, but as a foreign national of one kind or another.

M. van Rees agreed, but pointed out that such a person was still a Jew, whether of French or any other nationality. He did not enter the country without being in possession of a certificate giving him the right so to enter, in accordance with the regulations for Jewish immigration, he said, and he came, therefore, in his capacity as a Jew and not as a national of any particular country.

Dr. Drummond Shiels concurred, but suggested that in international law there was no such thing as a Jew from the standpoint of nationality.

M. van Rees agreed that Dr. Drummond Shiels would be perfectly correct from the point of view of international law, were it not for the existence of the Balfour Declaration, the Mandate and the White Paper, which had introduced a new element into this law in favour of the Jewish people.

Dr. Drummond Shiels said that the question would certainly be considered in the light of M. van Rees' remarks, and a clear statement of the position and the reasons for it would be prepared by the Mandatory Power.

Chairman Of Mandates Commission Complains Of Uncertainty And Fluctuation Which Appeared To Characterise Mandatory's Policy: Wants To Know What Will Be Position Of High Commissioner When Palestine Obtains Government Of Its Own.

The Chairman of the Mandates Commission, the Marquis Theodoli, said that the Commission had tried in vain to get a clear view of the state of relations existing between the High Commissioner and the Palestine Administration. The Mandate mentioned, for example, local autonomy and a Legislative Council. He would like, at least, to know whether the Mandatory had yet evolved a plan whereby the territory would attain this administrative autonomy. He had the impression that the policy of the Mandatory was very unstable and that it would lead to very regrettable uncertainty. He felt it necessary to explain the difficulty that the Mandates Commission had always experienced in correcting the impression of uncertainty, of fluctuation which had appeared to characterise the policy of the Mandatory Power.

Dr. Drummond Shiels said that he thought that the Chairman was tempting him into hypothetical regions. There might, it was true, come a time when the actual Administration would cease to represent the Mandatory Power to any great extent. Any consequent modification of the Mandatory System must rest with the Council of the League of Nations, since no other body possessed the power to amend the Mandate.

The Chairman quoted in explanation a passage from the book on Mandates written by M. van Rees, who was an authority on these matters, the following passage: "It appears evident that the authors of the Mandate when reserving to the Mandatory in Article 1 full powers of administration and of legislation intended that this should be only a transitional precautionary measure, necessitated by the establishment of the Jewish National Home, and that in consequence, the actual administration of the country should pass at a more or less distant date to the local quasi-autonomous body provided for, which should eventually become the 'Government' of the territory".

Dr. Shields replied that he quite understood the situation, and as far back as 1922 the Government had envisaged a time when the elected representatives would have considerable power. He could not say exactly what would be the relation then between the High Commissioner and the Administration. The matter would, no doubt, be determined by the experience and wisdom of the Mandatory Power with the help of the Mandates Commission. The Mandatory Power was only one factor in the situation. He felt that once the relations between the two peoples were improved, further progress could be made in Palestine.

Jews Satisfied With Present Position Concerning Defence Of Jewish Colonies Palestine Chief Secretary Tells Commission: More Satisfied Than Appears From Vaad Leumi Memorandum.

The question of security in Palestine was referred to, and Mr. Young, the Chief Secretary to the Palestine Government, said that there had been one deplorable incident, a murder near Haifa (Yad-jur), but in general he did not think there was any justification for the contention in the memorandum of the Vaad Leumi that the Jewish Community were suffering from a sense of insecurity.

Lord Lugard enquired whether the Jews were satisfied with the present position concerning the defence of the Jewish colonies, and Mr. Young replied that his personal impression - from visits and discussion - was that apart from the nature of the weapons provided, the Jews were actually better satisfied than would appear from the Vaad Leumi memorandum.

ARAB EXECUTIVE PROTESTS AGAINST "GOVERNMENT PERSECUTION OF PATRIOTS WHO REMAIN UNDAUNTED": 26 NABLUS RIOTERS SENT TO PRISON AND ANOTHER 160 TO BE PUT ON TRIAL SAYS REPORT: ARAB DELEGATIONS ARRIVING IN NABLUS TO COMFORT WOUNDED AND ENCOURAGE PRISONERS.

Jerusalem, Aug. 25th. (Jewish Telegraphic Agency).

Six Arab agitators have been sent to prison for one year and 20 for three months, according to an uncorroborated report from Nablus received here to-day, which adds that another 160 Arabs will be put on trial for their part in the riots which took place there on Saturday and Sunday.

The Palestine Arab Executive has issued a statement protesting against the "Government persecution of patriots who remain undaunted".

Nablus is now quiet. The streets are patrolled by scores of armed British police. The shops are open, but business generally is at a standstill.

Arab delegations have arrived in Nablus from Jerusalem, Jaffa and from Transjordan to comfort the wounded and to encourage the prisoners.

PALESTINE ARABS TO ADOPT INDIAN NON-CO-OPERATIVE TACTICS: NEW POLICY URGED "EVEN IF IT MEANS WHOLESALE ARRESTS": ARAB EXECUTIVE TO PROPOSE ARABS SHOULD REFUSE TO PAY TAXES.

Jerusalem, Aug. 26th. (Jewish Telegraphic Agency).

"Non-co-operation along the lines of the non-co-operation movement in India is urged here by Mr. Jemal Hussein, Secretary of the Palestine Arab Executive, in admitting to-day that the Arab tactics pursued hitherto have failed, and insisting that a new policy is necessary, even if it means wholesale arrests as in India.

The Arab Conference, which is to be held in Nablus on September 20th., with the participation of Arab delegations from the neighbouring Arab countries, is to consider in this connection, the J.T.A. learns, a proposal from the Palestine Arab Executive that the Arabs should refuse to pay taxes.

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