

Palestine.

Correspondence
with the
Arab Delegation
and the
Zionist Organisation
1922

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CORRESPONDENCE

WITH THE

PALESTINE ARAB DELEGATION

AND THE

ZIONIST ORGANISATION.

Presented to Parliament by Command of His Majesty.

JUNE, 1922.

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PALESTINE.

CORRESPONDENCE WITH THE PALESTINE ARAB DELEGATION AND THE ZIONIST ORGANISATION.

No. 1.

The Palestine Arab Delegation to the Secretary of State for
the Colonies.

HOTEL CECIL,

LONDON, W.C.,

February 21st, 1922.

SIR,

We wish to express our thanks to the Right Honourable the Secretary of State for the Colonies, for his courtesy in allowing us to see the draft of a proposed Palestine Order in Council embodying a scheme of Government for Palestine, and to discuss the same in our capacity of representatives of the Arab People of Palestine.

We would, therefore, submit the following observations :—

Whilst the position in Palestine is, as it stands to-day, with the British Government holding authority by an occupying force, and using that authority to impose upon the people against their wishes a great immigration of alien Jews, many of them of a Bolshevik revolutionary type, no constitution which would fall short of giving the People of Palestine full control of their own affairs could be acceptable.

If the British Government would revise their present policy in Palestine, end the Zionist *con-dominium*, put a stop to all alien immigration and grant the People of Palestine—who by Right and Experience are the best judges of what is good and bad to their country—Executive and Legislative powers, the terms of a constitution could be discussed in a different atmosphere. If to-day the People of Palestine assented to any constitution which fell short of giving them full control of their own affairs they would be in the position of agreeing to an instrument of Government which might, and probably would, be used to smother their national life under a flood of alien immigration.

We, therefore, hold that the proposed constitution is wholly unsatisfactory, because :—

- (a) In the preamble to the Palestine Order in Council “the declaration of November 2nd, 1917, in favour of the establishment in Palestine of a national home for the Jewish People” is made a basis for this Order; the People of Palestine cannot accept this Declaration as a basis for discussion.
- (b) In Articles 4-9 of the Order dealing with the manner of appointment of the High Commissioner and his powers, Palestine is considered as a colony of the lowest order, whereas according to paragraph 4 of Article 22 of the



Covenant of the League of Nations, Palestine comes under Grade A, where "certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone."

- (c) The Executive, dealt with in Articles 10–16, is in no way responsible to the Legislative Council.
- (d) Articles 17–28 dealing with the Legislative Council prescribe that this Council "shall consist of 25 members in addition to the High Commissioner"—"who shall exercise a casting vote, in case of an equality of votes." This brings the total number of votes to 27. Of these, 10 shall be official members holding office under the High Commissioner, and two members shall be nominated by him. Thus the High Commissioner commands 14 out of the 27 votes. Of the 12 elected members there will probably be 10 or 11 that would represent the Arab majority, who would be unable to carry any measure against the official preponderance of votes.

It is thus apparent that too much power is given to a High Commissioner whom we will suppose is impartial. But when, as is the case with the present High Commissioner, he is a Zionist, *i.e.*, a member of the organisation which is prompting the flood of alien Jew immigration into Palestine, whose officials as well as those members appointed by him must, naturally, carry out his policy, and when one or two of the 12 elected members will most probably be Zionists, then the Zionist policy of the Government will be carried out under a constitutional guise, whereas at present it is illegal, against the rights and wishes of the people, and maintained by force of arms alone.

Article 22 gives the High Commissioner the power at any time to prorogue or dissolve the Council, without the provision that he must call a new Council within a stated time.

Article 23 gives the High Commissioner the right to veto any measure passed by the Council.

We further submit in this connection that it is not in keeping with the constitutional spirit to place the Head of the Executive at the head of the Legislative and to introduce into this latter, as members, officials of the State. This invariably leads to the Executive becoming arbitrary since it is placed in the position of accused and judge at the same time.

We also notice with astonishment that 10 members constitute a *quorum*. This is less than half the total number of Members, and makes it possible for the 10 official members to carry on the work of legislation should circumstances, for any reason whatever, prevent the other members from being present. In which case the power of the Legislative Council becomes a mere shadow and not a reality.

- (e) By the provisions of Articles 33, 46 and 67, Palestine is considered as a Crown Colony, and the High Commissioner as the Governor of a Colony or British possession with the rights of confirming sentences of death, of deporting any person without trial and without allowing that person the right of appeal against the order for deportation.
- (f) The recognition of Hebrew as an official language of the State as in Article 80 is another proof of the desire to foster Zionist nationalism in Palestine, when only about 10 per cent. of the present Jewish inhabitants of the country speak that language. This innovation is wholly unwarranted and adds to the expenses of the State, which derives its main revenues from the Arab population.
- (g) The High Commissioner by Article 81 is given the power to obstruct any appeal to the League of Nations.
- (h) Lastly, we read in Article 83 that the High Commissioner may, after obtaining the approval of the Secretary of State, vary, annul or add to the provisions of this Order in Council. These powers of the High Commissioner render this Order in Council as if it had not been.

For these reasons we find that no useful purpose would be served by discussing in detail the draft of "The Palestine Order in Council, 1922."

The Delegation requests that the constitution for Palestine should—

- (1) Safeguard the civil, political and economic interests of the People.
- (2) Provide for the creation of a national independent Government in accordance with the spirit of paragraph 4, Article 22, of the Covenant of the League of Nations.
- (3) Safeguard the legal rights of foreigners.
- (4) Guarantee religious equality to all peoples.
- (5) Guarantee the rights of minorities.
- (6) Guarantee the rights of the Assisting Power.

The Delegation is quite confident that the justice of the British Government and its sense of fair play will make it consider the above remarks with a sympathetic mind, since the Delegation's chief object is to lay in Palestine the foundation of a stable Government that would command the respect of the inhabitants and guarantee peace and prosperity to all.

The Delegation would request, in conclusion, that the Secretary of State would be good enough to communicate to them his views on their remarks and the next step to be taken in the matter.

We have, &c.,

for THE PALESTINE ARAB DELEGATION,

MOUSSA KAZIM EL HUSSEINI, *President.*

SHIBLY JAMAL, *Secretary.*

The Colonial Office to the Palestine Arab Delegation.

DOWNING STREET,

1st March, 1922.

SIR,

I am directed by Mr. Secretary Churchill to acknowledge receipt of your letter of the 21st February on the subject of the draft Orders in Council providing for the Constitution of Palestine. Mr. Churchill has carefully considered this letter and has instructed me to offer the following observations upon it:—

2. I am to point out in the first place that, while your Delegation is recognised by Mr. Churchill as representing a large section of the Moslem and Christian inhabitants of Palestine, and while the Secretary of State is anxious to discuss his present proposals informally with recognised representatives, such as yourselves, of any important section of the community, he is not in a position to negotiate officially with you or with any other body which claims to represent the whole or part of the people of Palestine, since no official machinery for representation has as yet been constituted. It is with the object of providing the people of Palestine with a constitutional channel for the expression of their opinions and wishes that the draft constitution has been framed.

3. Mr. Churchill regrets to observe that his personal explanations have apparently failed to convince your Delegation that His Majesty's Government have no intention of repudiating the obligations into which they have entered towards the Jewish people. He has informed you on more than one occasion that he cannot discuss the future of Palestine upon any other basis than that of the letter addressed by the Right Honourable A. J. Balfour to Lord Rothschild on the 2nd November, 1917, commonly known as the "Balfour Declaration." You state in your letter that the people of Palestine cannot accept this Declaration as a basis for discussion. Mr. Churchill is unable for the reasons stated above to regard your Delegation as officially representing the People of Palestine. He presumes that your statement is not in any case intended to apply to the existing Jewish population of Palestine, which, so far as he is aware, your Delegation makes no claim to represent.

4. With regard to Article 22 of the Covenant of the League of Nations, I am to observe that this Article, in so far as it applies to territories severed from the Ottoman Empire, has been interpreted by the Principal Allied Powers in Articles 94 to 97 of the Treaty of Sévres, Syria and Iraq are explicitly referred to in Article 94 of that Treaty as having been provisionally recognised as Independent States, in accordance with the fourth paragraph of Article 22 of the Covenant of the League of Nations. Article 95, on the other hand, makes no such reference to Palestine. The reason for this is that, as stated in that Article, the Mandatory is to be responsible for putting into effect the Declaration originally made on the 2nd November, 1917, by the

British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, and the rights and political status enjoyed by Jews in any other country. There is no question of treating the people of Palestine as less advanced than their neighbours in Iraq and Syria; the position is that His Majesty's Government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the Principal Allied Powers, which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies.

5. For this reason Mr. Churchill is unable to accede to the second of the six requests made by your Delegation at the close of your letter under reply. If your Delegation really represents the present attitude of the majority of the Arab population of Palestine, and Mr. Churchill has no grounds for suggesting that this is not the case, it is quite clear that the creation at this stage of a national Government would preclude the fulfilment of the pledge made by the British Government to the Jewish people. It follows that the Principal Allied Powers, concerned as they were to ensure the fulfilment of a policy adopted before the Covenant was drafted, were well advised in applying to Palestine a somewhat different interpretation of paragraph 4 of Article 22 of the Covenant than was applied to the neighbouring countries of Iraq and Syria. His Majesty's Government are ready and willing to grant to the people of Palestine the greatest measure of independence consistent with the fulfilment of the pledges referred to. They readily endorse the five remaining requests made at the close of your letter, and it is in the hope of ensuring their realisation that the Secretary of State has invited your Delegation to discuss with him and with members of his department the practical steps which shall be taken to attain these objects.

6. The references in your letter under reply to "a great immigration of alien Jews," "a flood of alien immigration," and "a flood of alien Jewish immigration," coupled with the request that the British Government should "put a stop to all alien immigration," and the reference to the Zionist Organisation in Clause 2 of paragraph (d) of your letter, indicate that your Delegation and the community which they represent, imperfectly apprehend the interpretation placed by His Majesty's Government upon the policy of the National Home for the Jewish people. This interpretation was publicly given in Palestine on the 3rd June, 1921, by the High Commissioner in the following words:—

"These words (National Home) mean that the Jews, who are a people scattered throughout the world, but whose hearts are always turned to Palestine should be enabled to found here their home, and that some amongst them, within the limits fixed by numbers and the interests of the present

population, should come to Palestine in order to help by their resources and efforts to develop the country to the advantage of all its inhabitants."

This interpretation was endorsed by the Secretary of State in his speech to the House of Commons on the 14th June, 1921. Mr. Churchill is reluctant to believe that your Delegation, or the people whom they represent, can entertain any objection in principle to the policy as thus interpreted.

7. Mr. Churchill has derived the impression from his interviews with your Delegation that it is not so much the policy itself, as defined in the preceding paragraph, that arouses misgiving, as the unfounded apprehension that the policy will not in practice follow the lines indicated. However this may be, he fully realises that the non-Jewish population of Palestine are entitled to claim from the Mandatory not only assurances but adequate safeguards that the establishment of the National Home, and the consequent Jewish immigration, shall not be conducted in such a manner as to prejudice their civil or religious rights.

8. In so far as the establishment of the Jewish National Home is concerned, Article 4 of the draft Mandate provides that the Zionist Organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as a public body for the purpose of advising and co-operating with the administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and that, subject always to the control of the administration, it shall assist and take part in the development of the country. In case your Delegation are under the impression that this advice and co-operation will be offered or accepted in such a manner as to infringe the provisions of the proposed Constitution, Mr. Churchill takes this opportunity of explaining to you that no administrative action will be taken in Palestine, whether on the advice of the Zionist Organisation or otherwise, except through the constitutional channels ultimately prescribed by the Constitution in its final form. He is ready if it is considered necessary to insert a provision to this effect into the draft Order in Council.

9. The question of immigration stands on a somewhat different footing. Mr. Churchill is inclined to the view that all questions of immigration policy should be reserved from discussion by the Legislative Council and decided by the High Commissioner in Council, after reference to His Majesty's Government. Immigration is of such vital concern to all sections of the population that there are strong grounds for dealing specially with it and for setting up some regular machinery by which the interests of the existing population of Palestine should be represented, without the infusion of any official element. One method that occurs to him to ensure this result would be the formation of an immigration board, which would be representative of Palestinians of all classes. The business of this board would be to advise the High Commissioner on all immigration questions from the point

of view of the inhabitants of the country. The point of view of the Zionist Organisation would be placed before the High Commissioner by the representatives of the Organisation in Palestine. In the event of irreconcilable differences of opinion arising, the points at issue would be referred to His Majesty's Government for decision. Mr. Churchill would be glad of your observations on this suggestion, which is put forward in the hope of arriving at a reasonable solution of the main difficulty.

10. Having now explained the reasons why His Majesty's Government propose to adhere to the policy of a National Home for the Jewish people, and having outlined the extent to which they are prepared to meet your Delegation's objections to what they anticipate will be the effects of this policy, the Secretary of State wishes me to reply in detail to the points raised in your letter under reply. He considers that these points could more suitably have been discussed orally with members of this Department; but since it appears from your letter that your reluctance to adopt this course is partly based upon an erroneous conception of the general spirit of the draft Order, he wishes to do everything in his power to remove all possible sources of misunderstanding and thus to place your Delegation in a position to re-assure their supporters on their return to Palestine.

11. *Paragraph (a).*—Mr. Churchill has nothing to add to the general explanation given in paragraph 3 above.

Paragraph (b).—I am to inform you that you are under a misapprehension in stating that Palestine is "considered as a colony of the lowest order." There are many colonies in the British Empire in which there are no elected members on the Legislative Council. The majority of colonies are in the same position that Palestine would enjoy under the draft Constitution, *i.e.*, they have a Legislative Council, the constitution of which provides for an official majority. In Palestine there will be a number of elected members on the Legislative Council whose views will necessarily carry great weight: the whole population of the country will be represented by means of a very liberal franchise: and the majority of official and nominated members over the rest of the Council will only be effective by virtue of the casting vote of the High Commissioner. Upon the question of the constitution of the proposed Legislative Council, I am to refer you to the reply to clause (i) of your paragraph (d) below. With regard to the reference to paragraph 4 of Article 22 of the Covenant of the League of Nations, I am to refer you to the comments in paragraph 4 of this letter above.

Paragraph (c).—Mr. Churchill has already explained in paragraph 4 of this letter why His Majesty's Government are not prepared at the present stage to provide for the creation of a national independent Government in Palestine, and why they consider it necessary to adopt the constitutional procedure which experience in all parts of the British Empire has shown to be the most practicable and convenient method of combining a large measure of popular representation with the necessary degree of control to ensure that the policy of the Government is not thereby stultified.

Paragraph (d), Clause (i).—The assumption made in your letter that the votes of the two members nominated by the High Commissioner will be commanded by him is not borne out by experience of the working of the Advisory Council. All members of the Advisory Council are nominated, but there have been many instances of members of the Advisory Council recording a vote against the Government. Mr. Churchill is, however, prepared to discuss with you the composition of the proposed Legislative Council and to consider the desirability of modifying the provision as regards nominated members. If the latter were eliminated, the elected representatives of the people could on every occasion on which they were unanimous carry a measure against the Government.

Clause (ii).—The references to immigration and to the Zionist Organisation have already been dealt with in paragraphs 6 to 9 of this letter. It is not correct to state that the High Commissioner is a member of the Zionist Organisation. Mr. Churchill observes with regret the allegation, now made for the first time, that the present High Commissioner is not impartial. The High Commissioner and his officers will undoubtedly carry out the policy of His Majesty's Government, so far as they are constitutionally empowered to do so, but the suggestion that the High Commissioner either has a policy of his own in contradistinction to that of His Majesty's Government, or that, if this were so, His Majesty's Government would permit him to carry it out, would be foreign to all the traditions of British administration.

Clause (iii).—Mr. Churchill is prepared to insert a provision that the High Commissioner must call a new Council within a stated time, as suggested in your letter.

Clause (iv).—I am to point out that neither Article 23 nor Article 24 gives to the High Commissioner the unrestricted right to veto any measure passed by the Council. Article 25 provides that he shall in any case reserve for the signification of the pleasure of His Majesty any Ordinance which concerns matters dealt with specifically by the provisions of the Mandate. This limitation of the power of veto has been expressly inserted in the draft Order to meet the peculiar circumstances of Palestine.

Clause (v).—Reference is invited to comments on paragraph (c) above.

Clause (vi).—Mr. Churchill finds it difficult to conceive any circumstances in which none but the official members would find it possible to be present. The *quorum* was fixed after careful consideration, and Mr. Churchill must accordingly adhere to his proposal that the Council shall be competent to proceed to dispose of business if ten members are present.

Paragraph (e).—Article 33 is in the same category as Articles 34 and 35, to which no exception is taken by the Delegation. These three Articles merely provide for the application of certain British statutes to Palestine, and do not in any way affect the status of that country. Such application cannot legally be brought into force except by Order in Council. These provisions are included in the present

draft for convenience, and there would be no objection in principle to their forming the subject of a separate Order in Council, though the Secretary of State thinks that this complicated procedure is unnecessary.

Article 46 is inserted in the interests of a condemned person, in order that the High Commissioner may have an opportunity of reviewing the evidence and deciding whether he shall exercise the prerogative of mercy delegated to him under Article 16, to which no exception is taken by the Delegation.

The Secretary of State is prepared to give careful consideration to the comments offered upon Article 67, and will be happy to discuss the question further with the Delegation when he is satisfied that some advance has been made towards a friendly understanding.

Paragraph (f).—The recognition of Hebrew as an official language is provided for in Article 22 of the draft Mandate for Palestine, in pursuance of the policy of the establishment in that country of a National Home for the Jewish People. Mr. Churchill does not agree that the expense involved is a sufficient reason for this provision to be reconsidered.

Paragraph (g).—The intention of Article 81 is not to give the High Commissioner power to obstruct an appeal to the League of Nations, but to give the population of Palestine the right to make such an appeal in accordance with the procedure which the League of Nations has itself accepted. I am to point out that in the event of the High Commissioner deciding that the memorandum shall not be forwarded, the petitioners will have the remedy of publicity, and it is with this object that the provision has been made that no memorandum shall be returned without a written reason being given by the High Commissioner for its rejection.

Paragraph (h).—Mr. Churchill is confident that on reconsideration of Article 83 your Delegation will realise that this Article, which is of a purely temporary character, will give no power to the High Commissioner to render the Order in Council “as if it had not been.” The provisions of this Article are intended to supply a simple method of remedying any inaccuracies of drafting which may appear when the Order is brought into active operation, and of explaining any provisions which may then appear to require further definition. Experience has shown that the period of one year within which the proclamation must be made is a convenient period for practical purposes.

12. The Secretary of State trusts that this letter will show your Delegation that sympathetic consideration is being given to your point of view, which is fully appreciated by His Majesty's Government. I am to take this opportunity of repeating the assurance that the draft Order in Council is susceptible to alteration, and of renewing Mr. Churchill's invitation to your Delegation to discuss the various points raised in this letter with members of his Department, and subsequently with himself.

13. Mr. Churchill observes that a summary of your letter of the 21st February has already been communicated to the press. He now proposes to publish the full text of your letter and of his reply. He presumes that you will have no objection to this course.

I am, etc.,

J. E. SHUCKBURGH.

No. 3.

The Palestine Arab Delegation to the Secretary of State for the Colonies.

HOTEL CECIL,

LONDON, W.C.

16th March, 1922.

SIR,

We have the honour to acknowledge receipt of your favour of 1st March, 1922,* to which we hereby reply.

(1) With reference to Articles 2 and 3 of your reply, we beg to state that the Delegation represent the mind of the whole Moslem and Christian population of Palestine. While we have never pretended to represent the Jews, still we would point out that a large section of the Jews in Palestine and the majority of the Jews of the world are not in favour of the Zionist Movement.

(2) Our statement that the People of Palestine cannot accept the creation of a National Home for the Jewish People in Palestine as a basis for negotiation, is due to the following reasons :—

(a) In 1915, before the Balfour Declaration was published, His Majesty's Government made a pledge to the Arabs in which it undertook to recognise the independence of those Arab States which had formerly belonged to Turkey. Palestine is one of these States as is clearly seen, by reference to King Hussein's letter dated 14th July, 1915, in which the Western boundary is denoted by "the Red Sea and the Mediterranean." There can be no question that Palestine comes within these boundaries.

(b) The object aimed at by Article 22 of the Covenant of the League of Nations is "the well-being and development of the people" of the land. Alien Jews not in Palestine do not come within the scope of this aim, neither is their association with Palestine more close than that of Christians and Moslems all over the world. Consequently the

* No. 2.

Jewish National Home policy is contrary to the spirit of the Covenant.

(c) Article XX of the Covenant reads : " The Members of this League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

" In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations."

The promise to the Zionists is not in keeping with the terms of this Article.

(d) Great Britain and her Allies declared their aim in carrying on the war in the Near East to be " to assure the complete and final liberation of the people so long oppressed by the Turks, and the establishment of governments and administrations deriving their authority from the initiative and free choice of the native populations."

(3) A.—At the end of Article 4 of your letter under reply you say : " There is no question of treating the People of Palestine as less advanced than their neighbours in Iraq and Syria ; the position is that His Majesty's Government are bound by a pledge, which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the Principal Allied Powers, which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies."

The above statement constitutes the strongest proof that the Jewish National Home undertaking is the cause of depriving us of our natural right of establishing an independent government the same as Mesopotamia and the Hedjaz.

The Delegation cannot, however, but feel that the traditional sense of justice inherent in His Majesty's Government will induce it to cancel an unfair promise and to carry out its pledges to King Hussein which are at the same time in keeping with the spirit of the Covenant.

B.—As to your reference in the same paragraph to Articles 94 to 97 of the Treaty of Sèvres as interpreting Article 22 of the Covenant in so far as it applies to territories severed from the Ottoman Empire, we would state that the Treaty of Sèvres has not as yet been ratified by all the Powers concerned. Further, a conference is soon being held in Paris of the Foreign Ministers of the Allies to revise those of its provisions dealing with the Near East, since it has long been evident that the Treaty, as it now stands, is impossible of execution.

This being the case we cannot see how the Secretary of State can legally base any of his arguments on the Treaty of Sèvres.

4. We confirm your diagnosis in Articles 6 and 7 of your reply of the feelings of the People of Palestine, in that they are not satisfied with the interpretation of the Jewish National Home and the safeguards to the Arabs contained in the High Commissioner's pronouncement of 3rd June, 1921, and endorsed by the Secretary of State in the House of Commons in his speech of 14th June of the same year. It is an incontrovertible fact that public security in Palestine has been greatly disturbed by those Jews who have been admitted into the country from Poland and Russia, that arms are continually being smuggled in by them, and that their economic competition with the Arabs is very keen. The Delegation are, therefore, convinced that nothing will safeguard their interests but the creation of a National Government on the lines laid down in No. 2 of our demands found at the close of our letter to you dated 21st February, 1922. A National Government is the only authority that is competent to decide what is good and what is bad for these people.

5. The Delegation would point out in reference to paragraph (8) of your communication under reply, that the recognition of the Zionist Organisation as a "public body for the purpose of advising and co-operating with the Administration of Palestine" on no matter what question is totally illegal. Jews dwelling in Palestine will have their share of representation in proportion to their numbers.

As regards the Draft Mandate for Palestine on which the policy of the Jewish National Home depends for its execution, this has not yet been considered by the League of Nations. Moreover, the Arabs of Palestine do not accept it but protest, and have always protested, against it.

6. With regard to the proposal for the "formation of an immigration board" contained in paragraph (9) of your communication, the Delegation are glad to know that the Secretary of State looks upon immigration as "of vital concern to all sections of the population," and that this proposed board "should be representative of Palestinians of all classes."

We note, however, that the Zionist Organisation will also have a point of view with regard to immigration which must be considered, and that the capacity of this proposed board will be in effect consultative. This cannot dispel the apprehensions of the Arabs.

The best safeguard is the creation of a National Government which will consider the question of immigration in so far as it is compatible with the interests and capacity of the country.

7. The Secretary of State declares in Article 11, paragraph (b), that "the majority of Colonies are in the same position that Palestine would enjoy under the draft Constitution," implying that Palestine is a British Colony. We are surprised that the Secretary of State should include Palestine in this category, when in reality it is one of those "communities which formerly belonged to the Turkish Empire, whose independence can be provisionally recognised" as in paragraph 4 of Article 22 of the Covenant; while the Allies so often declare that they had not entered the war for self-aggrandisement and colonisation.

Since representative government is not foreign to the People of Palestine, and since the power of legislation should be circumscribed to the Legislative Council, the introduction into this body of official and nominated members places these members in the awkward position of Legislators, and at the same time responsible to the Legislative Council. We therefore ask that all the Members of the Legislative Council be elected so that they may exercise the power of supervision and control over the actions of the government whose creation we ask.

8. In describing the High Commissioner as Zionist, to which the Secretary of State takes objection in Clause (ii) of Article 11, the Delegation were simply repeating the words of the Colonial Secretary which appeared in his speech of June 14th, 1921, in the House of Commons, when he referred to Sir Herbert Samuel as an "ardent Zionist."

9. Referring to Clause (iv) of Article 11 of your communication, the Delegation cannot agree to the provision giving the High Commissioner the right to veto measures passed by the Legislative Council dealing with local matters.

Should, on the other hand, any difference arise between this Legislative Council and the National Government, there can be found expedients to hold the scale evenly between the two.

With regard to differences arising concerning the Mandate, these might be referred to the Mandatory Power, once the terms of the Mandate are laid down in a manner that would safeguard the interests of the People of Palestine.

10. In Article (f) of our reply dated 21st February, 1922, we explained fully our grounds for objecting to the recognition of Hebrew as an official language of the Government. The Delegation cannot but see in this an expedient to further the Jewish National Home idea which the People of Palestine refuse to recognise. This novel introduction of Hebrew has had a bad effect on the feelings of the People.

11. We think that the power of altering, cancelling, explaining or adding to any Article in the Order in Council as dealt with under Paragraph (h) of your letter, should be relegated to the Legislative Council rather than to the High Commissioner.

12. The Delegation see no objection to the publication of this correspondence, but remark that hitherto they have only seen a *précis* of the Secretary of State's reply in the Press, and not their own letter.

13. The Delegation would here observe that the allowing of Jewish immigration into Palestine and the attempt at carrying out the Zionist policy is in direct contravention of Article 3 of the Hague Convention, which clearly states that a Power occupying a country should, as far as possible, carry out the laws and regulations of the preceding Government and should effect no vital change until the final status of that country had been regularized. The Delegation would beg the

Secretary of State to look with sympathy and consideration at the bad conditions to which Palestine has arrived owing to this policy.

14. The Delegation further are fully convinced that the traditional sense of justice of His Majesty's Government must finally lead it to redress the injustice to the People of Palestine of such a policy.

We would also here take this opportunity of assuring the Secretary of State that the sole aim and object of this Delegation is to safeguard the rights and interests of the People of Palestine who have entrusted us with this sacred mission, and to arrive, in working harmoniously with His Majesty's Government, at a solution that would safeguard these interests and ensure the peace and happiness of the Holy Land. To this end the Delegation are most happy to negotiate with the Secretary of State or with any of his delegates.

It is a subject of deep regret to the Delegation to seem so irresponsible to the Secretary of State's continued courtesy in considering our representations.

The Delegation would, however, desire to remind the Secretary of State in this connection that the cause which has been entrusted to us is nothing less than the salvation of our small country, which has been handed down to us by our fathers and forefathers from time immemorial, from the aggression of the alien Jews.

It might be remarked in conclusion that the Delegation has not entered into the details of the Constitution since no object could be gained in discussing details when the foundation on which these details are built is a subject of disagreement.

We beg to remain, etc.,

MOUSSA KAZIM EL HUSSEINI, *President.*

SHIBLY JAMAL, *Secretary.*

No. 4.

The Colonial Office to the Palestine Arab Delegation.

DOWNING STREET,

11th April, 1922.

SIR,

I am directed by Mr. Secretary Churchill to inform you that he has had under his careful consideration your letter of the 16th March, 1922,* regarding the future constitution of Palestine.

2. Mr. Churchill shares the regret expressed in the concluding portion of your letter that the Delegation have not seen their way to adopt a more responsive attitude towards the proposals that he has placed before them. As you are aware, the object of his proposals is to confer upon the People of Palestine a large measure of control over their own affairs, while securing the due fulfilment of the pledges from which, as you have repeatedly been informed, His Majesty's Govern-

* No. 3.

ment have no intention of receding. No useful purpose would be served by further discussion of the policy underlying these pledges. Mr. Churchill would only observe that His Majesty's Government do not accept the conclusions drawn in paragraph 2 (a) of your letter, which appear to be based upon an incomplete acquaintance with the correspondence of 1915 cited in that paragraph.

3. Mr. Churchill has at all times been careful to explain that there can be no question of rescinding the Balfour Declaration. The Declaration, as you are aware, provided, first, for the establishment of a National Home for the Jews in Palestine; and, secondly, for the preservation of the rights and interests of the non-Jewish population of the country. The point to which Mr. Churchill has endeavoured to address himself, in his communications with your Delegation, is the provision of adequate safeguards for the fulfilment of the second part of the Declaration. He cannot but express his disappointment that the Delegation should decline to co-operate with him in seeking a practical solution of this important question. He fails to see what advantage they, or those who advise them, expect to derive from the purely negative attitude that they have seen fit to adopt. The draft constitution, which the Delegation refuse to discuss in detail, was framed with the object of creating some permanent machinery through which the interests of all sections of the population could find effective expression. In so far as they may regard the machinery suggested as defective, the Delegation would clearly serve the interests of those whom they claim to represent by offering criticisms or suggesting improvements. But what interests they hope to serve by mere abstention from collaboration it is less easy to understand. While regretting the attitude of the Delegation, His Majesty's Government will not be diverted thereby from the line of action which they conceive to be in the best interests of the people of Palestine as a whole.

4. Mr. Churchill desires me to add that he has further examined, in consultation with the High Commissioner for Palestine, the question of the control of immigration. The High Commissioner has suggested, and Mr. Churchill is disposed to agree, that the functions of an Immigration Board could best be discharged by a Standing Committee of the Legislative Council set up under the Constitution. The Committee might consist of half the total number of elected members, Moslems, Christians and Jews, under the Chairmanship of the Chief Secretary. They would act in an advisory capacity, but it would be upon their constructive proposals and suggestions that the future legislation governing immigration into Palestine would be based. The details of the scheme have still to be worked out. Its elaboration is a matter in which the Delegation could render valuable assistance, and Mr. Churchill hereby renews his invitation to them to discuss this question with representatives of this Department. He believes that the Delegation would share the regret that he himself would feel if they were to leave England without accomplishing any constructive work or making any contribution towards the foundations of a prosperous and contented Palestine.

5. Mr. Churchill notes that the Delegation have no objection to the publication of this correspondence. He will make arrangements accordingly at an early date.

I am, etc.,

J. E. SHUCKBURGH.

No. 5.

The Colonial Office to the Zionist Organisation.

DOWNING STREET,

3rd June, 1922.

SIR,

I am directed by Mr. Secretary Churchill to enclose, to be laid before your Organisation, copy of a statement which it is proposed to publish, dealing with the policy of His Majesty's Government in Palestine. The statement discusses in some detail the means by which it is intended to carry into effect the establishment of a Jewish National Home in the country. Under Article IV of the draft Mandate submitted to the Council of the League of Nations, a special position is assigned to your Organisation as an agency authorised to co-operate with His Majesty's Government in this respect. In these circumstances it appears to Mr. Churchill essential, not only that the declared aims and intentions of your Organisation should be consistent with the policy of His Majesty's Government, but that this identity of aim should be made patent both to the people of Palestine and of this country, and indeed to the world at large. Mr. Churchill feels sure that you will appreciate this consideration and will be anxious to do all in your power to remove any misunderstandings that may have arisen. He would accordingly be glad to receive from you a formal assurance that your Organisation accepts the policy as set out in the enclosed statement and is prepared to conduct its own activities in conformity therewith.

I am, etc.,

J. E. SHUCKBURGH.

ENCLOSURE IN NO. 5.

British Policy in Palestine.

The Secretary of State for the Colonies has given renewed consideration to the existing political situation in Palestine, with a very earnest desire to arrive at a settlement of the outstanding questions which have given rise to uncertainty and unrest among certain sections

of the population. After consultation with the High Commissioner for Palestine the following statement has been drawn up. It summarises the essential parts of the correspondence that has already taken place between the Secretary of State and a Delegation from the Moslem Christian Society of Palestine, which has been for some time in England, and it states the further conclusions which have since been reached.

The tension which has prevailed from time to time in Palestine is mainly due to apprehensions, which are entertained both by sections of the Arab and by sections of the Jewish population. These apprehensions, so far as the Arabs are concerned, are partly based upon exaggerated interpretations of the meaning of the Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on 2nd November, 1917. Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English." His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine*. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development."

It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organisation in Article IV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the Organisation may assist in the general development of the country, but does not entitle it to share in any degree in its Government.

Further, it is contemplated that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status.

So far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears

are unfounded, and that that Declaration, re-affirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sèvres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact "national" characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community; with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.

For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000.

It is necessary also to ensure that persons who are politically undesirable are excluded from Palestine, and every precaution has been and will be taken by the Administration to that end.

It is intended that a special committee should be established in Palestine, consisting entirely of members of the new Legislative



Council elected by the people, to confer with the Administration upon matters relating to the regulation of immigration. Should any difference of opinion arise between this committee and the Administration, the matter will be referred to His Majesty's Government, who will give it special consideration. In addition, under Article 81 of the draft Palestine Order in Council, any religious community or considerable section of the population of Palestine will have a general right to appeal, through the High Commissioner and the Secretary of State, to the League of Nations on any matter on which they may consider that the terms of the Mandate are not being fulfilled by the Government of Palestine.

With reference to the Constitution which it is now intended to establish in Palestine, the draft of which has already been published, it is desirable to make certain points clear. In the first place, it is not the case, as has been represented by the Arab Delegation, that during the war His Majesty's Government gave an undertaking that an independent national government should be at once established in Palestine. This representation mainly rests upon a letter dated the 24th October, 1915, from Sir Henry McMahon, then His Majesty's High Commissioner in Egypt, to the Sherif of Mecca, now King Hussein of the Kingdom of the Hejaz. That letter is quoted as conveying the promise to the Sherif of Mecca to recognise and support the independence of the Arabs within the territories proposed by him. But this promise was given subject to a reservation made in the same letter, which excluded from its scope, among other territories, the portions of Syria lying to the west of the district of Damascus. This reservation has always been regarded by His Majesty's Government as covering the vilayet of Beirut and the independent Sanjak of Jerusalem. The whole of Palestine west of the Jordan was thus excluded from Sir H. McMahon's pledge.

Nevertheless, it is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine. But they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly. The first step was taken when, on the institution of a civil Administration, the nominated Advisory Council, which now exists, was established. It was stated at the time by the High Commissioner that this was the first step in the development of self-governing institutions, and it is now proposed to take a second step by the establishment of a Legislative Council containing a large proportion of members elected on a wide franchise. It was proposed in the published draft that three of the members of this Council should be non-official persons nominated by the High Commissioner, but representations having been made in opposition to this provision, based on cogent considerations, the Secretary of State is prepared to omit it. The Legislative Council would then consist of the High Commissioner as President and twelve elected and ten official members. The Secretary of State is of opinion that before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse,

During this period the institutions of the country will have become well established ; its financial credit will be based on firm foundations, and the Palestinian officials will have been enabled to gain experience of sound methods of government. After a few years the situation will be again reviewed, and if the experience of the working of the constitution now to be established so warranted, a larger share of authority would then be extended to the elected representatives of the people.

The Secretary of State would point out that already the present Administration has transferred to a Supreme Council elected by the Moslem community of Palestine the entire control of Moslem religious endowments (Wakfs), and of the Moslem religious Courts. To this Council the Administration has also voluntarily restored considerable revenues derived from ancient endowments which had been sequestered by the Turkish Government. The Education Department is also advised by a committee representative of all sections of the population, and the Department of Commerce and Industry has the benefit of the co-operation of the Chambers of Commerce which have been established in the principal centres. It is the intention of the Administration to associate in an increased degree similar representative committees with the various Departments of the Government.

The Secretary of State believes that a policy upon these lines, coupled with the maintenance of the fullest religious liberty in Palestine and with scrupulous regard for the rights of each community with reference to its Holy Places, cannot but commend itself to the various sections of the population, and that upon this basis may be built up that spirit of co-operation upon which the future progress and prosperity of the Holy Land must largely depend.

No. 6.

**The Palestine Arab Delegation to the Secretary of State for
the Colonies.**

HOTEL CECIL,
LONDON, W.C.,
17th June, 1922.

SIR,

The Palestine Arab Delegation has received through Sir Herbert Samuel and Sir John Shuckburgh your memorandum entitled "British Policy in Palestine," to which they would beg to submit the following remarks :—

(1) The Memorandum starts by qualifying us "a Delegation from the Moslem Christian Society of Palestine," not using the expression "representing the Moslems and Christians of Palestine." Lest it

should be imagined that the Moslem-Christian Society is like any other Society we would explain that this Society unmistakably represents the whole of the Moslem and Christian inhabitants of Palestine, who form 93 per cent. of the entire population.

(2) The Memorandum then attributes the tension prevailing in Palestine to "apprehensions which are entertained by sections of the Arab and by sections of the Jewish population."

Explaining Jewish fears the Memorandum says "so far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917."

We wish to point out here that the Jewish population of Palestine who lived there before the war never had any trouble with their Arab neighbours. They enjoyed the same rights and privileges as their fellow Ottoman citizens, and never agitated for the Declaration of November, 1917. It is the Zionists outside Palestine who worked for the Balfour Declaration, and who, now that the world sees its impracticability, are apprehensive of its abolishment.

(3) Referring to Zionist activity in Palestine the Memorandum says:—"The Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organisation in Article IV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine, and contemplates that the Organisation may assist in the general development of the country, but does not entitle it to share in any degree in its Government."

Any one who is not intimately connected with the actual facts of Palestine cannot but admit that the above exposition of Zionist functions in Palestine is very plausible and appropriate. Those of us, however, who have had four long years' experience of the activities of this Commission are, unfortunately, unable, much as they would like to, to subscribe to the above exposition. In Palestine, as everywhere else, deeds speak better than words.

In the first place we would point out that since its establishment in Palestine the Zionist Commission has very much interfered with the Administration of Palestine under one pretext or another, all of which were based on solicitude for Jewish interests. One military Administrator after another, and one British official after another, had to go because they could not and would not govern the country on lines laid down by the Zionist Commission.

To prove the truth of our words the Colonial Secretary need only refer to the gentlemen to whom His Majesty's Government had entrusted the Government of Palestine after the Armistice, and who have now left. We may be allowed here to quote from a statement made to *The Times* as recently as 3rd June by Mr. Charles R. Crane, who travelled all through Palestine in June, 1919, together with Mr. King, on a Commission, and who has just returned from a visit to

Palestine. Mr. Crane says :—" The Zionist Commission which has so much control over the political machinery of Palestine seems to have more power than the authorised Government. Practically all of the official world is under its control, and is more ardent to carry out its instructions than to carry out the policy of the Mandate Government."

These words we know to be true because they express the experience not only of ourselves, but also of every impartial visitor to Palestine.

In the second place the very Article IV of the Draft Mandate is what we complain of because it officially "recognises the Zionist Organisation as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may effect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and to assist and take part in the development of the country."

Why, we ask, should the Jews have an official body so preferentially regarded? Cannot the Administration be trusted with the interests of 7 per cent. of the population when the welfare of the 93 per cent. are entrusted into its hands?

Even admitting that the activities of the Zionist Organisation are limited to economic and social matters, what are these but the entire life of the country, since the politics of every country are so inextricably mixed up with its economics?

In Article II of the Draft Mandate we read "The Administration may arrange with the Jewish Agency mentioned in Article IV to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration."

This Article gives this Jewish agency (The Zionist Organisation) the monopoly of all public works and natural resources of Palestine. No competition is provided for, either by the Arabs alone, or by Arabs in conjunction with British firms who are excluded by these terms. We will quote one example—the Rutenberg Concession—to prove this. This concession was made to Mr. Rutenberg without having been put out to public tender.

The Zionists, through Mr. Rutenberg, are aiming at getting a stranglehold on the economics of Palestine, and once these are in their hands they become virtual masters of the country.

(4) The Memorandum goes on to discuss the existing Jewish Community in Palestine, which it says possesses "national characteristics" because it has "its own political organs, an elected assembly for the direction of its own domestic concerns, elected councils in the towns, an organisation for the control of its schools, an elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs, business which is conducted in Hebrew as a vernacular language, a Hebrew Press to serve its needs, etc., etc."

We would here remark that all these outward signs of a "national" existence are also possessed by the other communities in Palestine, and if these are to be considered as a reason why the Jews outside Palestine should be allowed into Palestine "as of right and not on

sufferance," it is the more reason why the Arabs should be confirmed in their national home as against all intruders and immigration placed in their control.

There was no trace of these Political Organs, mentioned above, but they appeared after the Armistice, when the Balfour Declaration came out. The Hebrew language is not universally used by the community as a vernacular, and business is transacted mostly in Arabic and Yiddish. The religious and social life of the community is the same as in all countries where Jews live, and cannot be looked upon as distinctive to Palestine.

When we protested against the recognition of Hebrew as an official language in the State we were told it was harmless; now we see that our fears have been realised, and that this very recognition is used as an argument to establish "a right."

Besides, we have always claimed for this community the same rights and privileges as ourselves since with us they were Ottoman citizens. But to argue as the Memorandum does, that because the present Jewish community in Palestine is there by "right," this right should be extended to all the Jews of the world, is a line of reasoning which no people, let alone Arabs, would accept if applied to itself.

We have shown over and over again that the supposed historic connection of the Jews with Palestine rests upon very slender historic data. The historic rights of the Arabs are far stronger than those of the Jews. Palestine had a native population before the Jews even went there, and this population has persisted all down the ages and never assimilated with the Jewish tribes, who were always a people to themselves. The Arabs, on the other hand, have been settled on the land for more than 1,500 years, and are the present owners of the soil.

Further, Christians as well as Moslems look upon Palestine as a sacred land, and make yearly pilgrimages to it in a spirit of devotion and prayer. Any religious sentiment, therefore, which the Jews might cherish for Palestine is exceeded by Christian and Moslem sentiment for that country.

(5) *Immigration*.—The Memorandum says, further, that in order "to fulfil this policy it is necessary that the Jewish Community in Palestine should be able to increase its numbers by immigration."

We here ask, "What policy?" and why? The Jewish Community in Palestine is doing well, and does not depend for its existence on immigrants. The Memorandum continues, however: "This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000."

We regret our inability to endorse the veracity of the above statements, since we have always relied on facts, not on words, to prove our point.

By the admission of the Palestine administration itself we can show that the incoming of immigrants is greater than the country can at present sustain. In his Interim Report the High Commissioner says:—"But in any event it was becoming increasingly evident that the flow of immigrants was greater than the country was able to absorb."

At the time this was written—August, 1920—"slightly over 10,000 immigrants had arrived in the country." Their number now has risen to 25,000. Now, admitting these figures to be correct, has the condition of the country so improved as to allow of 15,000 new immigrants? Where have these people gone to? The Memorandum says that "about one-fourth are farmers or workers upon the land"; consequently, the three-fourths have been absorbed by the towns, and are competing with the townspeople for their daily bread, permanently endangering public security and rioting occasionally.

In this connection it is instructive to mention that telegrams were received by this Delegation on 9th June from Arab railway employees complaining that, under the guise of economy, they are being turned out of their jobs in order to make room for Jewish employees, who lack experience in railway work and cannot speak the language of the country.

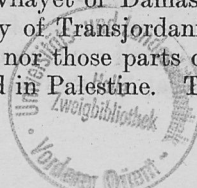
(6) The Memorandum provides for "a special committee to be established in Palestine, consisting entirely of Members of the new Legislative Council elected by the people, to confer with the Administration upon matters relating to the regulation of immigration."

Since the immigration of a foreign element into any country affects the native population of that country—politically, economically and socially—it is only right and proper that the people who are so affected should have complete say in the matter.

The Committee proposed above does not give the people of Palestine control of immigration. Its powers are merely consultative. While we see that in Article 6 of the Draft Mandate the Jewish Agency, which is the Zionist Organisation, a foreign body, has been given more powers than the actual inhabitants of the country.

Nothing will safeguard the interests of the Arabs against the dangers of immigration except the creation of a Representative National Government, which shall have complete control of immigration.

(7) The Memorandum then raises the question of the pledges given to the King of the Hedjaz, and states that "this promise (to recognise and support the independence of the Arabs) was given subject to a reservation made in the same letter, which excluded from its scope the country lying to the west of the vilayet of Damascus. That vilayet included the whole of the territory of Transjordan, but neither the independent Sanjak of Jerusalem, nor those parts of the then vilayet of Beyrout which are now included in Palestine. The whole of Pales-



tine west of the Jordan was thus excluded from Sir H. MacMahon's pledge."

To this we reply :—

In the first place the word "district" and not Vilayet was used. In the second place the word "district" and not Vilayet was also meant since the letter says "the districts of Damascus, Homs, Hama and Aleppo." Now since Homs and Hama were districts included in the Vilayet of Syria it would be superfluous to mention "Homs" and "Hama" specifically if the "Vilayet" of Damascus as against the "district" of Damascus were meant.

Moreover, the "Vilayet" said to have been meant was called "Vilayet of Syria" and not "Vilayet" of Damascus, as there was no Vilayet of Damascus.

Palestine thus comes within the scope of the promise.

There is no doubt that the reservation made in the pledge meant the Lebanon, since Sir H. MacMahon in a letter dated 25th October says :—"In regard to those portions of the territories therein in which Great Britain is free to act without detriment to the interests of her ally, France, I am empowered, etc.," to which the Sheriff replied on 1st January, 1916, as follows :—"yet we find it our duty that the eminent Minister should be sure that at the first opportunity after this war is finished we shall ask you (what we now avert our eyes from to-day) for what we now leave to France."

Since :—

- (a) Palestine has been proved to be excluded from the territory west of the "districts" of Damascus, Homs, Hama and Aleppo :
- (b) Since the occupation Great Britain is free to act without detriment to the interests of France :
- (c) The Sheriff reserved his right to the territories west of the districts above mentioned (Damascus, Homs, Hama and Aleppo) till after the war :

Therefore Palestine is included in the pledges and is entitled to the recognition of her independence.

(8) Speaking of self-government the Memorandum says :—"It is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine. But they are of opinion that in the special circumstances of that country this should be accomplished by gradual stages and not suddenly." Further on we read :—"The Secretary of State is of opinion that before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive it would be wise to allow some time to elapse."

The terms of the pledge are as follows :—"Great Britain is prepared to recognise and support the independence of the Arabs."

The Delegation is exercised to understand the reason for this gradual education in self-government. It has been admitted by the Secretary of State that "there was no question of treating the people



of Palestine as less advanced than their neighbours in Iraq and Syria" to which immediate self-government is given. Why withhold it in the case of Palestine whose people formerly enjoyed a large measure of local self-rule both in the Government of their cities and in the Turkish Parliament? Besides, Palestinians have demonstrated their capacity for administration in the Turkish Empire in Egypt and the Sudan.

We can find no reason for this delay but in the eagerness of the Government to allow time to elapse during which Jews will have increased in numbers and the powers of Zionism become more established in the land. In fact this is plainly stated to be the reason by the Secretary of State in a communication to us dated March, 1922, where he says:—"The position is that His Majesty's Government are bound by a pledge and cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the Principal Allied Powers which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies." And again in the same letter he says:—"The Mandatory is to be responsible for putting into effect the Declaration of 2nd November, 1917, in favour of the establishment in Palestine of a National Home for the Jewish people."

We are to understand, then, that self-government will be granted as soon as the Jewish people in Palestine are sufficiently able through numbers and powers to benefit to the full by self-government, and not before. We fail to see any other reason.

We therefore here once again repeat that nothing will safeguard Arab interests in Palestine but the immediate creation of a national government which shall be responsible to a Parliament all of whose members are elected by the people of the country—Moslems, Christians and Jews.

(9) The Memorandum finally states that "the Education Department is advised by a committee representative of all sections of the population, and the Department of Commerce and Industry has the benefit of the co-operation of the Chambers of Commerce which have been established in the principal centres."

This sounds plausible enough, but what is actually the case?

The Educational Committee is not given any power to make its decisions executed by the Administration.

Why was it that last summer in spite of the repeated warnings of the Chambers of Commerce to the Administration not to prohibit the exportation of cereals and oils these warnings were not heeded and the result was a loss to the country of something like three quarters of a million sterling? The fact is these committees are totally consultative and where their advice clashes with the Zionist policy of the Administration this advice is unheeded.

(10) The hope is finally expressed in the Memorandum that "a policy upon these lines cannot but commend itself to the various sections of the Population."

We would heartily wish this were so. But what do we see as the result of this policy? Discontent of 93 per cent. of the population,

dislike of the Zionist policy, a strong feeling against those who enter Palestine through the sheer might of England.

At last, the Memorandum proceeds to explain that "this policy will serve to establish a spirit of association on which depends the development and prosperity of the country in future."

Whereas we see division and tension between Arabs and Zionists increasing day by day and resulting in general retrogression. Because the immigrants dumped upon the country from different parts of the world are ignorant of the language, customs, and character of the Arabs, and enter Palestine by the might of England against the will of the people who are convinced that these have come to strangle them. Nature does not allow the creation of a spirit of co-operation between two peoples so different, and it is not to be expected that the Arabs would bow to such a great injustice, or that the Zionists would so easily succeed in realising their dreams.

The fact is that His Majesty's Government has placed itself in the position of a partisan in Palestine of a certain policy which the Arab cannot accept because it means his extinction sooner or later. Promises avail nothing when they are not supported by actions, and until we see a real practical change in the policy of His Majesty's Government we must harbour the fears that the intention is to create a Jewish National Home to the "disappearance or subordination of the Arabic population language, and culture in Palestine"

I am, etc.,

MOUSSA KAZIM EL-HUSSEINI,

President, Palestine Arab Delegation.

Secretary.

SHIBLY JAMAL.

No. 7.

The Zionist Organisation to the Colonial Office.

77, GREAT RUSSELL STREET.

18th June, 1922.

SIR,

With reference to your letter of June 3rd, receipt of which has already been acknowledged, I have the honour to inform you that the Executive of the Zionist Organisation have considered the statement relative to the policy of His Majesty's Government in Palestine, of which you have been good enough to furnish them with a copy, and have passed the following resolution:—

"The Executive of the Zionist Organisation, having taken note of the statement relative to British policy in Palestine,

transmitted to them by the Colonial Office under date June 3rd, 1922, assure His Majesty's Government that the activities of the Zionist Organisation will be conducted in conformity with the policy therein set forth."

The Executive observe with satisfaction that His Majesty's Government, in defining their policy in Palestine, take occasion once more to reaffirm the Declaration of November 2nd, 1917, and lay it down as a matter of international concern that the Jewish people should know that it is in Palestine as of right.

The Executive further observe that His Majesty's Government also acknowledge, as a corollary of this right, that it is necessary that the Jews shall be able to increase their numbers in Palestine by immigration, and understand from the statement of policy that the volume of such immigration is to be determined by the economic capacity of the country from time to time to absorb new arrivals. Whatever arrangements may be made in regard to the regulation of such immigration, the Executive confidently trust that both His Majesty's Government and the Administration of Palestine will be guided in this matter by the aforesaid principle.

The Zionist Organisation has at all times been sincerely desirous of proceeding in harmonious co-operation with all sections of the people of Palestine. It has repeatedly made it clear both in word and deed that nothing is further from its purpose than to prejudice in the smallest degree the civil or religious rights or the material interests of the non-Jewish population. The Zionist Organisation will continue on its side to spare no efforts to foster the spirit of goodwill to which His Majesty's Government have pointed as the only sure foundation for the future prosperity of Palestine. The Executive earnestly hope that the statement of policy which His Majesty's Government propose to issue will once and for all dispel such misapprehensions as may still exist, and that, loyally accepted by all parties concerned, it may mark the opening of a new era of peaceful progress.

I have, etc.,

(Signed) CH. WEIZMANN.

No. 8.

The Colonial Office to the Palestine Arab Delegation.

DOWNING STREET.

23rd June, 1922.

SIR,

In continuation of my letter of the 11th April, 1922,* to which no reply has been received, I am directed by Mr. Secretary Churchill to enclose for the information of your Delegation copy of correspondence† with the Zionist Organisation regarding the proposed publication

* No. 4.

† Nos. 5 and 7.



of a statement defining the policy of His Majesty's Government in Palestine. An advance draft of the proposed statement was communicated to you on the 30th May, and its terms were subsequently discussed in detail with your Delegation on the 1st June by Sir Herbert Samuel and a representative of the Colonial Office. The comments which you were good enough to offer upon the proposed statement in the course of that interview (which have since been recapitulated in your letter of the 17th June*) were carefully considered by the Secretary of State, who decided, after consulting the authorities concerned with the early correspondence between Sir Henry McMahon and the King of the Hedjaz, to make a modification in the draft on a point of fact. On the 3rd of June the draft was communicated formally to the Zionist Organisation, and, as the correspondence shows, the Secretary of State has since received from them a formal assurance that they accept the policy as laid down in the statement, and are prepared to conduct their own activities in conformity therewith.

Mr. Churchill is forwarding a copy of the enclosures to this letter to the Officer Administering the Government of Palestine, for communication to the President and members of the Society which you represent. He considers that this fresh definition of the policy of His Majesty's Government, coupled with the formal assurance that has been obtained from the Zionist Organisation, should finally allay the apprehensions which you have mentioned on more than one occasion during your visit to London as being entertained by your friends in Palestine as to the scope and purport of British policy.

The correspondence is now being laid before Parliament, and copies will be communicated to the Council of the League of Nations.

I am, etc.,

J. E. SHUCKBURGH.

No. 9.

**The Secretary of State for the Colonies to the Officer
Administering the Government of Palestine.**

(Telegraphic.) *Sent 29 June.*

A White Paper will be laid on Saturday the 1st July covering correspondence between His Majesty's Government and Palestine Arab Delegation and Zionist Organisation from 21st February to 23rd June, 1922. This correspondence includes official statement of British policy in Palestine of which summary follows:—

(1) His Majesty's Government re-affirm Declaration of November, 1917, which is not susceptible of change.

(2) A Jewish National Home will be founded in Palestine. The Jewish people will be in Palestine as of right and not on

* No. 6.

sufferance. But His Majesty's Government have no such aim in view as that Palestine should become as Jewish as England is English.

(3) Nor do His Majesty's Government contemplate disappearance or subordination of Arab population, language, or culture.

(4) Status of all citizens of Palestine will be Palestinian. No section of population will have any other status in the eyes of the law.

(5) His Majesty's Government intend to foster establishment of full measure of self-government in Palestine, and as the next step a Legislative Council with a majority of elected members will be set up immediately.

(6) Special position of Zionist Executive does not entitle it to share in any degree in government of country.

(7) Immigration will not exceed economic capacity of country at the time to absorb new arrivals.

(8) Committee of elected members of Legislative Council will confer with administration upon matters relating to regulation of immigration. Any difference of opinion will be referred to His Majesty's Government.

(9) Any religious community or considerable section of population claiming that terms of mandate are not being fulfilled will have right of appeal to League of Nations.

The executive of Zionist Organisation have formally assured His Majesty's Government that the activities of Zionist Organisation will be conducted in conformity with policy set forth in statement. Correspondence will be forwarded by next mail. Meanwhile you may issue above summary of statement for publication on Monday, July 3rd.

The Government of the State of New York
has the honor to acknowledge the receipt of your letter
of the 10th inst. regarding the matter mentioned therein.
The same has been forwarded to the proper authorities
for their consideration and a reply will be given
as soon as possible.

Very respectfully,
Governor

THE GOVERNOR
STATE OF NEW YORK
ALBANY



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