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SPECIAL COMMITTEE ON PALESTINE

VERBATIM RECORD OF THE THIRTY-SIXTH MEETING (PRIVATE)

Held at the Y.M.C.A. Building,
Jerusalem, Palestine,
Saturday, 1^o July 1947 at 9.00 a.m.

PRESENT:

CHAIRMAN :	Mr. Sandstrom	Sweden
	Mr. Hood	Australia
	Mr. Rand	Canada
	Mr. Lisicky	Czechoslovakia
	Mr. Garcia Granados	Guatemala
	Sir Abdur Rahman	India
	Mr. Entezam	Iran
	Mr. Blom	Netherlands
	Mr. Garcia Salazar	Peru
	Mr. Fabregat	Uruguay
	Mr. Simic	Yugoslavia

SECRETARIAT: Mr. Hoo, Assistant Secretary-General
Mr. Garcia Robles, Secretary

CHAIRMAN : I call the meeting to order.

This private meeting has been called for hearing representatives of the Government of Palestine. That is the only item on the agenda. Can we adopt the agenda ?

It is adopted.

We have now adopted the agenda which contains the item of hearing the representatives of the Government of Palestine.

It was meant that in this meeting the Members of the Committee should be able to put questions to representatives of the Government. I, myself, have a couple of questions, and I think one has really been answered by the memorandum I have received from the Government. The question which is answered concerns the policy of the Government in relation to the Arab boycott. Now, I will put the questions and you, Sir Henry, will be kind enough to answer or to appoint a representative who can give the answer.

Sir Henry GURNEY : Mr. Chairman, gentlemen, before I begin to answer questions, I would, with your leave, like to add to the information which we have already provided for the Committee. If it is acceptable to you, I should like to take the opportunity to draw your attention to some of the points contained in the Supplementary Memorandum which we presented to you yesterday, and to run quite shortly through it and to add some comments orally to what appears in the text. There will be opportunity, if you agree, for heads of departments concerned to answer any questions that arise as we go through the chapters.

CHAIRMAN : We shall appreciate it very much if you will do that.

Sir Henry GURNEY : If that is agreeable to you, Sir.

CHAIRMAN : Certainly.

Sir Henry GURNEY : Then at the end, we can come to the specific questions, if they have not been answered in the meantime.

Now, I would like to take the opportunity of introducing the Director of Medical Services, Dr. Lester; Mr. de Bunsen, Director of Education; Mr. Couzens, Director of the Department of Labour; Mr. Stubbs, Director of the Department of Land

Registration; Mr. Loftus, Government Statistician, and Mr. Hogan, Acting Attorney-General.

I will just introduce them to you so that you should know who they are, if you don't know them already.

Now I would like to refer to this so-called green paper. We can pass entirely over Chapter I which merely brings up to date -- and we were asked to do this -- the historical summary of events which appears in Chapter II of the Survey. That is simply a diary.

In Chapter II, we offer some comments upon the Jewish evidence which has been given to you. Coming first to Mr. Ben Gurion, I would like to repeat what we say at the bottom of this page, Page 22 :

"The general theme of Mr. Ben Gurion's statements is an attack on Britain and a charge of failing to fulfil international pledges. He says (on page 61 of his evidence) that the Administration in Palestine and London were biassed against the Mandate from the beginning and did everything they could do to obstruct it. The fact that the National Home could never have been established without the direct assistance and support that Britain has given to it, with the expenditure of British resources and British lives, apparently requires to be restated, on those simple terms. The denial of this fact, the concealment of the truth and the failure to recognize that there was ever any reason for granting the most extreme Jewish demands in the face of bitter opposition from the inhabitants of the country must appear to all impartial observers as at least a gross self-deception.

In fact, the part played by the Administration in establishing the National Home was essential and considerable.

/Had it not been

Had it not been for the defence of Palestine undertaken by the Mandatory during the 1939-1945 war, the National Home would have disappeared. That defence, with the responsibilities of feeding and supplying the people of Palestine, was for a long period undertaken by the British Commonwealth alone.

To read some of this evidence, one might suppose that the responsibility for the persecution of Jews in Europe rested approximately equally upon the British Government and Adolf Hitler. What are the facts? Why was the 75,000 quota of immigrants, allowed under the White Paper, not in fact exhausted until eighteen months after the expiry of the five-year period? On the day war broke out, there were in Germany many thousands of holders of legal certificates for Palestine. We sent special officers to Germany to get those people out, and we got them out. Now, surely, it was not the British Government which then prevented immigration but simply the war which closed international frontiers. It should be remembered also that since the end of 1945, when the 75,000 quota was reached, nearly 30,000 Jews had entered Palestine. We might perhaps remember also that the entry of 100,000 people into this small country is, in relation to the total population, equivalent to the entry of 6,500,000 people into the United States.

Now, on page 33, we have put in a paragraph to explain our view of the status of the Mandate. I need not, I think, bother you by reading this, but on the last occasion I was reported as saying that the Mandate was not a law but a document, and clearly, that requires some elaboration, some explanation. Mr. Ben Gurion said: "Great Britain is here as a mandatory to give effect to the internationally guaranteed pledges given to the Jewish people in the Balfour Declaration."

Now it is a common feature of presentations of the Jewish case to overlook the elementary fact that the Mandate also imposed specific obligations towards the Arabs, and with regard to the Holy Places, and the general obligations to give effect to Article 22 of the Covenant of the League of Nations. Both Jewish claims and Arab claims were subject to the rights of others. In the view of the Royal Commission, the forcible conversion of Palestine into a Jewish State against the will of the Arabs would clearly have violated the spirit and intention of the Mandate system.

Mr. Ben Gurion also said : "Palestine is now the only place in the civilized world where racial discrimination still exists in law". In the British Commonwealth, there are many countries where, in the interests of the native inhabitants and present owners of the land, the sale of land to immigrant races, including the British people themselves, is prohibited. The control of immigration by laws imposing quotas is also a recognized practice.

Then we come to Mr. Ben Gurion's statements about illegal immigration. We say: "In organizing illegal immigration into Palestine, the Jews have defied the law of Palestine and of other countries from which this traffic has been carried on. It is no answer to this to say that the law is unacceptable or that it is illegal, when it is not. In maintaining the law against these attempts to break it, the Administration has been compelled to commit itself to further expenditure of its resources on deportations and the maintenance of camps in Cyprus, costing in 1946 and 1947 a sum that may amount to LP. 3,000,000".

The evidence then contains the allegation: "The Government embarked on a system of oppression which turned Palestine into a police state." I should like to make it quite clear

as we say in our Memorandum: "The introduction of the Emergency Regulations in 1937 was, in fact, welcomed by the Jews, since their immediate purpose was to provide powers for dealing with the Arab disturbances. The Administration was frequently pressed by the Jews to enforce them against Arab law-breakers, to impose collective fines and generally exercise the drastic powers which the Regulations provide. The case for the Regulations was never questioned by the Jews until, as a result of Jewish lawlessness, the powers conferred by them had to be used against Jews. The reference on page (51) to 'the spirit of the régime and the virtual lawlessness which it has established in this country' overlooks this fact. The Administration has never admitted that there should be one law for the Arabs and another for the Jews. Crime and lawlessness in both communities have been dealt with by application of the same laws.

"The Power of Press Censorship..." -- which we all dislike -- "...is not used to prevent publication of criticism of the Administration. This will be clear to any reader of the Palestine Press. It is, however, used to prevent the publication of news calculated to inflame racial passions, and its necessity has been recently demonstrated...." -- during your visit -- "...by the amount of such material which, during the Committee's visit to Palestine, has been kept out of the Arab press". Especially during the past three or four weeks.

On the last occasion, Sir Abdur Rahman asked me for the strength of the military forces in Palestine. I am in a position to give you this information. The military force stationed in Palestine is the equivalent of two and a half divisions, of whom more than half, numerically, are administrative personnel. In addition, there are a number of air

force units and also certain naval forces engaged in coastal patrol and other duties. I feel that I should have no difficulty in justifying the maintenance of this garrison. That outrages and illegal immigration continue to occur is proof that the garrison is barely adequate to ensure the internal security of the country. No military buildings or installations of a permanent nature have been erected since the end of the war. The forces live here almost entirely in tents. The semi-permanent buildings are almost entirely such things as messes and canteens.

It is a feature of this evidence and of public opinion, as commonly expressed in Palestine, to concentrate upon politics and security and to ignore the day-to-day work of the Government.

As a small example of what the actual administration of Palestine means, I have brought a copy of the Gazette for this week, which contains eight bills dealing with medical practitioners, pharmacists, boy scouts, municipal corporations, municipal courts, and criminal procedure, and a large amount of other subsidiary legislation dealing with town planning, forests, water supplies and other matters of interest to the people. I have never known a country, sir, in which the people apparently take so little interest in the legislative acts of their administration so long as their own interests do not suffer. It is, of course, the absence of a legislature which is largely responsible for this. I should like to deal shortly with suggestions I have heard that the Administration has really done very little to bring together Arabs and Jews, not only in connection with a legislative council, but in other public institutions and public life.

The efforts to establish a legislative council, including both Arabs and Jews, have been recapitulated many times and need no further elaboration. But in addition, other bodies, such as the General Agricultural Council, the Citrus Control Board and the 53 committees and boards which are listed in Volume II of the Survey dealing with agricultural, commercial and industrial activities and the whole range of public business have been sponsored by the Government. In these bodies, members of both communities have for periods worked well together, though under frequent threats of resignation from one side or the other.

In the courts, Jewish and Arab judges and magistrates enjoy equal status. Judges frequently sit together to constitute one court. At the Bar, they also enjoy equal status. But here one sees clearly that the efforts to bring the people together have, in the main, emanated from the Government and have tended to break down once the orbit of official activities is passed. The Bar in this country is controlled by the Law Council, consisting of fourteen members, (eight official, six non-official) and the Attorney-General. The officials are distributed between British, Arabs and Jews. Non-officials comprise three Jews and three Arabs. On the whole, this Council has worked well. It has established various subcommittees which have worked together and discharged functions in regard to the training and qualifications of students and candidates for the Bar. But once this statutory body is left behind and the advocates are in the sphere where they can freely exercise their own wishes, the two communities have insisted on establishing their own separate Bar Associations. So, we have an Arab

Bar Association and a Jewish Bar Association. These were established despite representations of succeeding law officers that it would be desirable to have a common Bar Association. The members would not agree to that and would only agree to come together on the official bodies of the Law Council.

The same separatist tendency has shown itself in the local press associations. Moreover, from time to time, Government bodies such as the Public Works Department, when letting out contracts, have required contractors to employ both Jewish and Arab labour. While I should not wish you to think that the efforts of the Government have been limited to the instances mentioned, the response to almost all of them has been disappointing and it has appeared sometimes that these efforts tend to emphasize and heighten feelings which might better have been left quiescent.

At the bottom of page 35, we deal with Mr. Ben Gurion's statement that the Jews pay 70 % of the taxes, while the Arabs get approximately 70% of the revenue. The High Commissioner there was misquoted and on page 36 we set out the facts. We say that a general analysis of the public expenditure as provided for in the 1947/48 estimates shows that the Jewish community benefits from approximately three-quarters of a million pounds less than the Arabs out of a total expenditure of twenty-four and a half million pounds. The general analysis referred to takes into account that benefits to the Arabs preponderate in the case of some social and development services, and the benefits to the Jews preponderate in the others. In the calculations - and this is an important point, of course - account has been taken of the fact that Jewish terrorism is at present responsible for all expenditure

on security, i.e. police and prisons, in excess of what may be regarded as normal.

We then deal with import policy, high cost of living, gift dollars, fuel prices and the Arab boycott. If it should be convenient perhaps I could answer the question on the Arab boycott.

CHAIRMAN : Yes. The question which I intended to ask was what was the reason for the buying of agricultural products from the countries executing the boycott.

Sir Henry GURNEY : We purchase certain of our foodstuffs under allocation from the International Emergency Food Council in Washington. The foodstuffs allocated to us by that Council are rice from Egypt and barley from Iraq. In 1946, we imported 260,000 pounds worth of rice from Egypt and 918,000 pounds worth of barley from Iraq. Those are material constituents in our import programme, and we are not at liberty to choose the loading country because those supplies are allocated to us from the International Emergency Food Council. There are, of course, a number of other products -- wheat, eggs; for example, we imported from Syria and the Lebanon nearly half a million pounds worth of wheat. If we take a retaliatory attitude and decline to import these products from Syria and the Lebanon, we shall have to go without them. There is nowhere else we can get them from, except on allocation from the International Emergency Food Council, and if we go to them and say there are supplies next door but we are not prepared to buy them for political reasons, I think it is fairly clear what the answer would be. The trade agreements between Palestine on the one hand and Syria and the Lebanon on the other are agreements dealing

/with rates

with rates of customs duty. They are not trade agreements providing for the import and export of certain commodities or exchange of goods. They are purely agreements as regards the rates of customs duty. Similarly the trade agreement with Egypt is one dealing with rates of duty. The agreement with Trans-Jordan is one that says there shall be no customs barrier. But none of these agreements provides for free exchange or trade in certain commodities.

While, therefore, the boycott may be regarded as violating the spirit of the agreements, it does not violate the letter. We have represented to His Majesty's Government the importance of this question to Palestine, and His Majesty's Government have made representations themselves, particularly to Egypt, and at the International Conference now sitting in Geneva, to consider the draft charter of the International Trade Organization, because that draft contains provisions which are quite inconsistent with any boycott. That is as far as we feel that we can go without depriving our people of foodstuffs which they really require.

CHAIRMAN: These representations to the neighbouring Arab states, have they had no effect?

Sir Henry GURNEY: I think I can say they have no effect.

CHAIRMAN: Does it enter into your consideration that a change in market for the stuffs you want to buy would have very little, if any, effect on the situation? It is a period of shortage of foodstuffs, for instance, so that it would amount to, if you did not buy from these boycotting States, is that they could sell it to other customers.

Sir Henry GURNEY: Exactly, and then it might be sold back to us.

CHAIRMAN: Yes. You say in this paragraph on page 42, where it deals with the Arab boycott "for these reasons, and having regard to the political causes which gave rise

/to the boycott

to the boycott, it has not been considered appropriate to institute any retaliatory measures." Will you develop a little what you mean when you say "and having regard to the political causes which gave rise to the boycott" ?

Sir Henry GURNEY : This is all a part of the Palestine problem. To institute retaliation against Syria and the Lebanon would precipitate conditions which would make a peaceful solution of this problem more difficult. We are all the time trying to maintain conditions in which a solution can be worked out peacefully. We have deliberately avoided taking direct action of this kind which would be regarded by the Arab States as not only an unfriendly but possibly a hostile act. We do not wish to prejudice the conditions for the settlement of the problem of Palestine. It is just one of the factors in the problem.

CHAIRMAN : I thank you, Sir Henry, for the answers you have given.

We shall try, I think, to concentrate the questions as much as possible, and therefore, I ask my colleagues if they have any questions to be put on this matter.

Mr. Blom, have you a question on this point we are now discussing, the question of the boycott ?

Mr. BLOM (Netherlands) : I had a few questions on this subject, but I think I got the answers from what Sir Henry has just told us.

CHAIRMAN : So you have no more questions to put ? Has anybody else any questions on this point ?

Mr. Garcia GRANADOS (Guatemala) : What is the numerical amount of the divisions ?

Sir Henry GURNEY : I have not the figures here.

Sir Abdur RAHMAN (India) : You do not know how many there are ?

Sir Henry GURNEY : I have not the figures here, I am afraid.

CHAIRMAN : I thought we would now deal primarily with this question of the boycott. We can come back to these other matters afterwards. Has anybody any questions to put regarding the boycott or the State policy ?

22 (No response).

23 CHAIRMAN : There do not seem to be any, so will you please go on.

Sir Henry GURNEY : On page 42, Mr. Kaplan gives his evidence and we offer comments upon the water problem with which he deals.

If I may, I might perhaps refer here to the Huleh concession which has been mentioned to you elsewhere in evidence. Reference to this can be found on page 257 of the Royal Commission's Report and page 400 of the Survey. The position, shortly, is that the Palestine Land Development Company, which paid 200,000 pounds for a concession for drainage of the Huleh Marsh area, has found that it cannot drain the marsh area without draining the Lake itself. This has involved a conflict with the rights of the Palestine Electric Corporation, under their concession of 1926, under which the Corporation has the exclusive right to utilize the waters of the Jordan and its basin for the purpose of generating electric power. Differences of opinion arose between the concessionaire and the Electric Corporation some years ago, and it was not until last March that the two parties submitted to the Government the draft of an agreed arrangement.

Shertok
Annex A
pp. 702-

In the meantime, the Government had considered the possibility of participating in a larger reclamation scheme which would include the marshes to the north of the concession area, with a view to eliminating malaria in that northern zone. In the light of the progress made since that time in anti-malarial methods and the rising cost of the reclamation works, the Government no longer desires to participate in the larger scheme. The original concession remains, however, as feasible as ever it was, and the Government is placing no obstacle in the way of its being carried out. Whether it is, in fact, wholly practicable as it stands is not for me to say, but it may be supposed that the Company went into this before paying 200,000 pounds for the concession.

If there are any questions on irrigation plans or the Hayes-Savage scheme, perhaps I could answer them at this stage.

CHAIRMAN : One question which occurs to me is this : the interests that you want to safeguard by the proposed water legislation, do they refer to the neighbouring countries or to different interests in Palestine ?

Sir Henry GURNEY : The Underground Water Control Bill, is that the Bill you are referring to ?

CHAIRMAN : Yes.

Sir Henry GURNEY : It is purely underground water resources here in Palestine and nothing of an international question. It is purely a measure to take public control of our underground water resources so that we can control their /proper exploitation

proper exploitation and development. Naturally we have been criticized for introducing something which is said to be purely restrictive. It is in no way purely restrictive. It is designed to safeguard underground water supplies and their use, and to get them used, but not rashly or without proper regard for their conservation.

CHAIRMAN : Is this draft an attempt to give due weight to each interest involved ? In water schemes there are always opposite interests -- one who wants to use the water for power, one who wants to use it for irrigation purposes, or maybe two different persons who have different irrigation schemes. You have to give to each of those what is due to him.

Sir Henry GURNEY : Yes, there is full provision for that in the Bill and that would be our full intention.

/CHAIRMAN

CHAIRMAN: It is your intention with this Water Bill?

Sir HENRY GURNEY: Certainly.

CHAIRMAN: Does anybody else wish to put any questions on this matter?

Mr. BLOM (Netherlands): Originally I intended to ask the Chief Secretary to give some information on the views of the Palestine Government on the large-scale irrigation schemes which have been proposed by the Jewish Agency, but now I see in the letter from the Government dated 18 July that we are shortly to receive a memorandum on that subject, so I think we will find the answer there.

Sir HENRY GURNEY: All that I perhaps might say at this atage is that the Government has never seen this scheme - it is understood that it has been revised recently - but we have seen neither the original scheme nor the revised scheme, and it is not really possible to offer any useful comment on a scheme that you have never seen. When I say seen, I mean formally submitted to the Government.

CHAIRMAN: I might, perhaps, extend my questions beyond the limits I had thought at the beginning. I remember there was some contention about the Huleh scheme having been postponed for reasons of the expenditure involved. Was it understood from the beginning that the costs of carrying out that scheme would be made by the Company which got the concession?

Sir HENRY GURNEY: Certainly. The question of Government expenditure arose for the first time when the additional area, what I call the northern zone, was added to the scheme. The Government contribution in respect of that arrangement was provided for, but the Government never was under any obligation to include that area, and now it is not proposed to do so, so the obligation to incur expenditure on development of the concession belongs now where it originally belonged, that is, with the concessionaires.

CHAIRMAN: Are there any more questions?

Mr. BLOM (Netherlands): Mr. Shertok told us that when the possibilities of draining the Huleh concession became known it appeared that that could not be done in the right way without enlarging the scheme to part of the district which was not included in the concession, and for that purpose the Government was prepared, I think it was before the war, to spend approximately 220,000 pounds.

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Sir HENRY GURNEY: Well, let me explain. There is a lake. Just to the north of the lake there is a concession area - that is upstream - up the Jordan from the lake. Further upstream there is what I call "The Northern Zone" which is outside the concession area. The Concessionnaires and the Government reached an understanding, it was never an agreement, that they would examine the possibility of draining the whole area including the Government's Northern Zone, to which the Government would contribute 235,000 pounds. Now the scheme without the Northern Zone is, we are advised, a perfectly sound technical scheme, but the intake works have to be situated outside the concession area. Well, there should be no difficulty about that, but it is unnecessary to drain the Northern Zone in order to drain the concession area. But it does seem necessary to drain the lake in order to drain the concession area because the water level of the two is the same. It is a very complicated question, but the short position really is that the concessionnaires have the original concession in its original form and the Government no longer wishes to participate in a larger scheme so that the concessionnaires are quite free to go ahead with the smaller scheme, which we are advised is quite practicable, without including the Northern Zone.

Mr. BLOM (Netherlands): I think Mr. Shertok added that one of the purposes of the draining scheme was the malaria prevailing in that area. He said then that the Government now gave as one of the reasons which made ^{it} unnecessary to drain the area that there was now D.D.T. available, and so the draining was not necessary anymore. Further, he quoted some malaria ^{Mr} experts in saying that D.D.T. was just a palliative but did not actually combat the ~~the~~ existence of malaria mosquitoes which caused the disease.

Sir HENRY GURNEY: Well, first of all the estimate of 235,000 pounds was made in 1936 or 1937 and now would be at least double that amount. We are not going to spend over half a million pounds on draining that small area when there are anti-malarial methods equally efficacious. I do not want to argue, and in fact, I am not qualified to do so, on the merits of D.D.T., but I am sure the Director of Medical Services would expand on that if you would like.

CHAIRMAN: Does anyone else wish to ask any questions on this point?

(No response)

CHAIRMAN: There being no questions, will you, Sir Henry, please continue?

Sir HENRY GURNEY: Now we deal with the evidence on health services given to you by Dr. Katznelson, and we have tried to limit our comments to pointing out the inaccuracies in that evidence. The Director of Medical Services is here to answer any questions.

CHAIRMAN: Does someone wish to put any questions on the matter of health?

(No response)

CHAIRMAN: It does not seem to be so. Will you please continue?

Sir HENRY GURNEY: Sir, may I, with your permission, supplement what I said about D.D.T.? I am informed that the D.D.T. methods being used in this area now cost only 1,000 pounds a year. These are giving excellent results and would seem to be a more reasonable means of control than the expenditure of half a million pounds on drainage.

Chapter 3 is a note on education, and I should be very grateful, sir, if you would permit the Director of Education, himself, to make a very short supplementary oral statement.

CHAIRMAN: Surely.

Mr. DE BUNSEN: Thank you very much, sir, for this opportunity. I would like to make a very short statement on the place of education in whatever political settlement may be decided about Palestine. Needless to say, I have no intention at all of discussing what that settlement should be, but I merely wish to stress the urgency of the educational question in that political settlement. There are and will continue to be, I imagine, separate systems of education, Arab and Hebrew, according to the main language of instruction, whatever the settlement is. These systems will inevitably be national in extent - that is to say they will embrace the whole of the Arab or Jewish community in Palestine irrespective of any geographical or administrative divisions which may be decided on political grounds. They will probably also be national in spirit, both these educational systems, and whatever the administrative control may be, the content of education will probably be determined by the tradi-

tions and aspirations of each community, and this is where a serious danger lies to the future of any political settlement. In any case, Arabs and Jews will have to live together as neighbours, often in the same town, and for the economic development of the country, if for no other reason, they must learn to cooperate. But if they are going to be brought up on an exclusively national education based only on their own traditions and aspirations and ignoring or even hostile to the traditions and aspirations of the other community, there can be no cooperation. So that it is suggested that any political settlement which is not accompanied by a solution of this educational problem is likely to be unstable and liable to be undermined. Consequently, while each community may be granted a larger measure of autonomy in education, that autonomy cannot be complete. No doubt certain safeguards will have to be considered in respect of such services as railroads, customs, and so forth. Safeguards in the field of education are also equally necessary. For instance, some control over syllabuses and textbooks to prevent definitely harmful indoctrination. But something more positive should also be attempted which might include a study of the language, culture, and history of the other people. A certain minimum knowledge of those subjects should at any rate be demanded of the teachers. Also there are whole spheres in which eventual cooperation should be possible, such, for example, as in the field of professional and technical education which is still rudimentary in Palestine. Retention of educational safeguards will necessitate the retention of some central organ of education to supervise their implementation. Such an organ, of course, can be quite small; it need not in any sense correspond to the present Department of Education because its functions will be more supervisory than administrative, but it should be sufficiently well-staffed to exert a strong influence on the two national educational systems. Then, sir, an important adjunct to this central organ might, I suggest, be a Joint Advisory Council of Arabs and Jews, educationalists, appointed to study matters of common interest and to make recommendations to the national and local authorities concerned. It is clear, of course, that the rapprochement of the two national systems of education must really be developed from within rather than be something imposed from without. An authoritative council of this kind might

be powerful influence for cooperation. It could make specific recommendations for ensuring that each system of education should include an adequate study of the language, history, culture, and so forth of the other communities. It might be suggested that in the present temper of things both communities might refuse to cooperate together in such a way. I think the only reply one can give to this is that one must assume that in the long run there will be a political settlement which will be acceptable, and that this settlement will include a large measure of autonomy in education which is strongly urged and desired by both communities, and for the sake of it they would probably be willing to accept and implement any reasonable safeguards. I just wanted to make a statement of this nature, without in any sense suggesting the political framework. It seems that it would fit into almost any possible political solution.

CHAIRMAN: Does anyone wish to ask a question on this point?

Mr. BLOM (Netherlands): I have just one question. Does any government supervision exist as to the textbooks used in the Jewish and Arab schools?

Mr. DE BUNSEN: Yes, through our Inspectorate, Hebrew and Arab, belonging to the Department of Education, there is certainly some supervision. On the other hand, so far as the Arab schools are concerned, which come directly under the department, there is rather more supervision - there is control. In the case of the Hebrew public system, administered by the Vaad Leumi, there is not the same measure of control and quite naturally, as they have been granted autonomy in education. We are anxious to interfere as little as practicable, but we may have occasion to interfere in the matter of textbooks.

CHAIRMAN: That was just the question I wanted to ask, but I have already received the answer. May I ask whether you can exercise an efficient control over what a teacher will say in the classroom when he is teaching?

Mr. De BUNSEN: No, sir. I think the answer to that is that it is really impossible to control effectively what goes on from moment to moment in a classroom in Palestine without turning our Inspectorate into a Gestapo.

CHAIRMAN: Have you the impression that the teaching given is too nationalistic or that it is going to excess in that respect?

Mr. De BUNSEN: Yes, I think there is no doubt, sir, of that. In the curriculum of the Arab schools, the Government schools, the temper of the curriculum is certainly a safeguard. Though there again I think one cannot ignore the fact that teachers, like others, are interested in politics. On the Jewish side, since ^{one} of the functions of Jewish education is to produce unity and to build up a Hebrew self-conscious community, I think there is no doubt that the political element is considerable.

CHAIRMAN: Have you any more questions, Mr. Blom?

Mr. BLOM (Netherlands): No, sir.

Sir Abdur RAHMAN (India): May I ask if there are any private institutions which are now being started by the Arabs and how you control them?

Mr. De BUNSEN: Well, the answer to the first part of the question is that there are private Arab educational institutions, and a good many projects for starting new ones, which, of course, we welcome, not only on the grounds that there are so many gaps to fill but on the grounds of having a reasonable variety of philosophy and practice in the schools. The control over them in the Education-
al Ordinance is simply this--that they must register their

/existence

existence, when they are started, with the Government, and after due notice has been given the Government has the right of entry to them. It is not a right of entry we would wish to claim in a normal way, though in fact there is a good deal of cooperation between Arab private schools and the Department, sometimes by the loan or exchange of staff.

Sir Abdur RAHMAN (India): Do you exercise similar control over the Jewish institutions to which you are making a grant, because after all I understand they are being run by the Jews, themselves?

Mr. De BUNSEN: Yes, in the case of all schools, Arab and Jewish, to which we make a direct grant, we may exercise the right of regular inspection. There are several Jewish schools which receive a direct grant from us instead of an indirect grant through the Vaad Laumi.

Mr. FABREGAT (Uruguay): In paragraph 6 on page 53 the first sentence reads: "Technical education for Arabs is still in its infancy." Is there any plan, actually, to correct that situation in order to develop the technical education of the Arab population?

Mr. De BUNSEN: Well, sir, I have tried to sketch out what the Department, itself, is proposing to do further down in the same paragraph. It is to develop and extend our senior institutions, the existing Haifa Trade School which is at present a rather small affair, and the Kadoorie Agricultural School, and then to have local junior farm institutes, and trade schools in all the principal towns. I might add that there are again on the Arab side in that field one or

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two very useful private attempts at vocational instruction, such as the Dier Amr Orphanage, which is mainly an agricultural school just outside Jerusalem. It is a private institution.

CHAIRMAN: Well, then, I thank you.

25 Have you something to add, Sir Henry Gurney?

26 Sir Henry GURNEY: No, sir. With your permission we pass to Chapter 4. Here we point out that of the past eleven years, nearly one-half of the period for which the Mandatory Administration has been in existence, six have been years of local disturbances and five have been years of war. During 1936-1939 the Arabs expressed in terms of rebellion and violence their objections to the policy of the Mandatory Power. When the war against Germany and Japan was seen to be approaching a successful conclusion the Jews brought into action their weapons of lawlessness and terrorism in support of their own political aims and ambitions. The short facts are that the Arab disturbances of 1936-1939 cost four thousand lives and caused material damage valued at not less than one million pounds. The Jewish reactions of 1945-1947 have cost 270 lives and caused material damage estimated at about 1,500,000 pounds. The right of any community to use force as a means of gaining its political ends is not admitted in the British Commonwealth. Since the beginning of 1945 the Jews have implicitly claimed this right. It is true that large numbers of Jews do not today attempt to defend the crimes that have been committed in the name of these political aspirations. They recognize the damage caused to their good name by these methods in the court of world

/opinion.

opinion. Nevertheless, the Jewish community of Palestine still publicly refuses its help to the Administration in suppressing terrorism, on the ground that the Administration's policy is opposed to Jewish interests. The converse of this attitude is clear, and its result, however much the Jewish leaders themselves may not wish it, has been to give active encouragement to the dissidents and freer scope to their activities. It is this situation that continues to necessitate the diversion of revenue from those essential services of which the majority of the people in Palestine stand so badly in need. I refer, again, to the fact that some three million pounds will be required to meet the cost of dealing with illegal immigration, including the maintenance of the Cyprus camps, during 1946-1947. Among the social services which have been retarded in this way we have looked at health and education.

I would, with your permission, now like to look at the labour position. It was stated by a Vaad Leumi witness according to the Press Report that there is no labour legislation except a rather inadequate Workmen's Compensation Bill. Now if the witness had spoken of conditions as they were ten years ago he would have been correct, or almost correct. But the position today is as follows: we have in force first the Department of Labour Ordinance which sets up the Department of Labour and proposes extensive duties and confers wide powers of inspection and inquiry, providing for all the functions usually held by a Department of Labour. Then there is the Workmen's Compensation Ordinance, 1927, and Workmen's Compensation (Temporary Increases) Ordinance 1945. These two measures, taken together, afford rates of compensation in line with most modern /countries.

countries. A new Consolidated Ordinance to which the witness in question was referring has just been published as a Bill. It does not change these rates, but brings almost all employed persons within its scope. It makes occupational diseases compensatable and provides considerable improvements in procedure in the interests of the workman. Then, sir, there is the Defense (Trade Disputes) Order, 1942, and a further Defense (Trade Disputes) Order, 1946; the Accidents and Occupational Diseases Notification Ordinance, 1945; the Employment of Children and Young Persons Ordinance; the Employment of Women Ordinance, 1945. These are designed to meet, as far as practicable, the requirements of the relevant International Labour Conventions. Then, there is the Trade Boards Ordinance, 1945, which is based on the British Trade Boards legislation for the determination of minimum wages in insufficiently organized industries. The Factories Ordinance 1946, which is a very comprehensive and complete Ordinance providing for the health, safety, and welfare of workers in industry based on the British Factories Act of 1937. The Industrial Courts Ordinance 1947 establishes an Industrial Court to which trade disputes may be voluntarily referred by the parties. The Director of the Department may refer any matters relating to a dispute to the Court. The following legislation is in draft at the moment: The new Workmen's Compensation Bill, which is a consolidating measure; the Trade Unions Bill; Apprenticeship Bill; Explosives Bill, and further legislation to provide for the settlement of Trade disputes and the regularization of labour relations, generally, and to control the safe use of petroleum and petroleum products, and provide for the regularization of the conditions of maritime employment.

/I do not

I do not know, sir, whether that list is any effective comment on the statement that there is ^{no} labour legislation except a rather inadequate Workmen's Compensation Bill. Now, sir, a witness from ^{the} General Federation of Jewish Labour said: "In labour legislation the Government had followed a backward colonial policy making no efforts to promote cooperation between Jews and Arabs." Now, none of the above-named measures has any trace of colonial policy. Most of the ordinances follow British or other modern State models very closely. The Department of Labour by means of conferences, committees and regular meetings of Regional Safety Councils, makes continuous and special efforts to bring Arabs and Jews together. The Trade Boards Ordinance provides for the representatives of all interests in the Boards, and so far it has not been possible to take advantage of it for that very reason. The Arabs will not consent to serve unless they are represented by twice the number of the Jews, and the Jews will not serve at all because of the policy of non-cooperation adopted by their institutions.] Another ^{Rubinyiker} witness of the General Federation of Jewish Labour said that in Palestine labour legislation there were only a few slight traces of these numerous and very important International Labour Conventions. Britain has ratified twenty-seven International Labour Conventions and eight of these are fully covered by legislation already enforced; two more will be satisfied by the new Workmen's Compensation Ordinance, ^{Bill} and five of them relate to maritime employment, which hitherto has not been significant in Palestine. The Maritime Employment Ordinance now in preparation is intended to give effect to them. The Convention relating to employment requires the Government to establish a system of public employment exchanges.

Action on this has been contemplated and prepared for by Government for some years past, but strenuously resisted by the Jewish Agency and other Jewish institutions.

Of the remaining eleven Conventions, four relate to conditions which do not obtain in Palestine, such as forced labour, and the balance of seven is made up of those dealing with sickness and old age, invalidity insurance and unemployment provisions.

The same witness ^{Lubianka} said that in the Arab economy, labour laws were practically a dead letter; that in Jerusalem, Haifa and Jaffa, thousands of Arab children were working twelve hours a day for appalling wages. It is true that the standard of observance of the Laws administered by this Department is lower in the Arab than in the Jewish section. A substantial and increasing measure of compliance has, however, been secured and regular inspection is having a salutary effect. The legislation recently enacted is advanced and complex and the Arab community generally has more leeway to make up than the Jewish community. In this it receives every possible assistance from the Department and its inspection force.

It is also true to say that many, but not thousands, of Arab children are found to be employed contrary to the provisions of the law particularly in the old sections of the large towns. This is being corrected, although slowly. The great problem is what to do with the child when there is no provision for his schooling.

Mr. Shertok said that Government had consistently, obstinately refused to insert a fair wage clause into public works contracts in the face of Jewish insistence throughout the years. This Jewish insistence must have been represented to Government through some

/other

other channel than the Department of Labour because the Department is quite unaware of it. Government did set up a Committee about sixteen months ago to consider this matter and make recommendations, and the Director has recently made his proposals to Government. But there is a great practical difficulty, and that is in the peculiar labour conditions in Palestine to determine what is a fair wage. The Wages Committee set up by Government in 1942 specifically to settle this question had to admit failure. ^{Sheikh} He also said that wages of Government workers are appallingly low; that in 1946-1947 large strikes by Government and Army employees have taken place. Wages paid by Government to non-regularly employed workers are the market rates prevailing for the district. The rates paid to regularly paid manual workers fall behind those prevailing in private industry, particularly as the latter increased considerably during the war years. The grievances concerning this and the cost of living allowance caused much discontent in 1946 and again, in certain sections, in 1947. There is an inevitable time lag, and not only in Palestine, in changing conditions of public employment; and in the new system of departmental consultative committees, which include representatives of the direction and of the staff. The Government has endeavoured to reduce this lag. If there are any questions to be put to the Director of the Department of Labour he will be pleased to answer them.

CHAIRMAN: I had intended to put certain questions, but they have been answered by your statement. Does anyone in the Committee wish to put some questions?

/Mr. BLOM

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Mr. BLOM (Netherlands): I have no question, but as I put the original question I would like to thank the Chief Secretary for the information he has given me. It is only fair for me to add that one of the representatives of the Vaad Leumi, Dr. Eliash, corrected his original statement the following day. He said he was taken more or less by surprise by my question, and he gave some more information. Nevertheless, this, of course, is more comprehensive than we had before.

Mr. SIMIĆ (Yugoslavia): In the reports of various Commissions, and according to certain information, Palestine is quickly turning into two armed camps. On the one hand there is the Haganah, the Irgun, and the Sternists; and on the other hand we hear that more and more Arabs are being brought into the Arab sections of Palestine. In the opinion of the Palestine Government what is the actual strength and the potential strength of these armed groups and of their preparations? What measures has the Palestine Government undertaken against these preparations?

Mr. COUZENS: I am afraid that is a question which is outside my province.

Sir Henry GURNEY: That is not addressed to the Director of the Department of Labour?

CHAIRMAN: No, that is not a labour question.

Mr. SIMIĆ (Yugoslavia): It is mentioned in Chapter 4.

Sir Henry GURNEY: All the information we have to give you on the strength of these bodies known as the armed forces on either side is contained in the supplementary volume of the Survey at pages 84, 85 to 87. Those deal with the Jewish Organizations. There is, as you know, no armed Arab organization. The Government is fully alive to the importance of preventing the smuggling of arms into

/Palestine

Palestine from neighbouring countries for the purpose of creating such a force and is doing all it can to stop it.

Mr. SIMIC (Yugoslavia): I have heard that armed traffic exists and goes on, and I can say that H.E. the High Commissioner has done nothing to prevent it.

Sir Henry GURNEY: If you ask me as a fact whether it does or does not, I can only say that it does. But the extent to which camels are carrying arms across the border in very outlying districts is very hard to judge, and very difficult to prevent.

Sir Abdur RAHMAN (India): Is there an Arms Act actually enforced here?

Sir Henry GURNEY: You mean by which an owner has to license his arms? Certainly.

Sir Abdur RAHMAN (India): Why is it not being rigidly enforced?

Sir Henry GURNEY: Who said it was not?

Sir Abdur RAHMAN (India): I am only asking, is it being rigidly enforced?

Sir Henry GURNEY: The answer is yes, to the best of our ability. In fact, you see some evidence of enforcement in the results of some of the searches.

Sir Abdur RAHMAN (India): In spite of all these troops, and in spite of all the police force at your command, you cannot rigidly enforce the Arms Act in this Province. It would be a very sad commentary on the Administration itself because I think the control of arms is a very serious matter.

Sir Henry GURNEY: With your permission, I should like the Acting Attorney-General to answer that.

/Mr. HOGAN: With

Mr. HOGAN: With regard to the law in force, we have had a Fire Arms Ordinance in force in this country from the outset. In 1936, the penalties imposed by that Ordinance were not found adequate to control the traffic in arms. We then introduced emergency regulations which imposed very heavy penalties for carrying fire arms, and imposed the penalty of death for discharging fire arms. Offenses against those regulations are tried by Military Courts which were set up in 1937 and are operating today. In regard to the traffic in arms among Arabs, the majority of the cases coming before the Military Courts every day--this morning and every other morning--are against Arabs for being in possession of fire arms. Searches are constantly being carried out, and frequently arms are discovered. The penalty for possession of fire arms is very heavy and the Government is doing all it can to enforce the legislation.

CHAIRMAN: So far, you tried to impose this legislation?

Mr. HOGAN: To the utmost of our ability.

CHAIRMAN: But you are aware that it is not effective 100 per cent?

Mr. HOGAN: No, it is not effective 100 per cent.

Mr. Garcia GRANADOS (Guatemala): You have recognized that the emergency regulations have had no great effect. Do you not think, on the contrary, they have a bad effect because they curtail the natural rights of the individual, and they are rather strong? That is the first question.

Mr. HOGAN: I do not quite understand your question.

Mr. Garcia GRANADOS (Guatemala): You recognize that the emergency regulations do not have a great effect on the question of

/disarming

disarming the population and putting an end to terrorism. Do you not think, on the contrary, those emergency regulations have a different effect--I mean that by curtailing the natural rights of the individual they provoke those acts?

Mr. HOGAN: As regards the first part I think they have had, during the ten years of their existence, a very considerable effect in controlling the illegal traffic in arms. If you regard illegal traffic in arms, or the right to discharge firearms, as a natural right, I am afraid that they do curtail it.

Mr. Garcia GRANADOS (Guatemala): I mean I see every day here acts of violence committed by individuals, so they are armed. Does the emergency regulation have no great effect on them and, on the contrary, the rest of the population respects those regulations?

Mr. HOGAN: My answer is that if you did not have the emergency regulations you would have more cases of the discharging of fire arms.

Mr. Garcia GRANADOS (Guatemala): What do you mean?

CHAIRMAN: That if the emergency regulations did not exist, there would be far more acts of violence.

Mr. Garcia GRANADOS (Guatemala): That is a matter of opinion. Nevertheless, there is something else I would like to ask Sir Henry Gurney. Do those emergency regulations adjust themselves to the Mandate?

Mr. HOGAN: The emergency regulations are made under the provisions of the Orders-in-Council which set up the Government and the Constitution of this country. How far they are compatible with the terms of the Mandate is perhaps a matter of argument or opinion. We do not consider that they infringe any of the terms of the Mandate.

/Mr. Garcia GRANADOS

Mr. Garcia GRANADOS (Guatemala): That is a matter of opinion.

CHAIRMAN: Are there any more questions? (No questions)

Then I thank you. Is there anything left in the memorandum?

Mr. BLOM (Netherlands): One point is not quite clear to me. There is an Ordinance which says that you need a license to be allowed to have a weapon.

Sir Henry GURNEY: "To possess a firearm."

Mr. BLOM (Netherlands): In quiet times is it usual to give such a license in many cases?

Sir Henry GURNEY: Yes.

Mr. BLOM (Netherlands): Or only by exception?

Sir Henry GURNEY: For shotguns to use for game etc.; the Ordinance is not harshly enforced. It is applied in much the same way as it would be in any other country.

Mr. BLOM (Netherlands): I mean, say, for a Bedouin, is it usual for him to have a shotgun?

Sir Henry GURNEY: Yes, In fact, the possession of a shotgun is, of course, a matter of self-respect for the Bedouin.

CHAIRMAN: Does that apply also to town dwellers?

Sir Henry GURNEY: I am not quite certain of my answer to that; I think so. T

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There is one further point which follows the questions put to Mr. Hogan, and that is on the last page. Of course these emergency regulations are necessary in conditions in which we are endeavouring to maintain the rule of law, but there are many cases in which we cannot get a witness to come forward and give evidence in Court. He is under coercion and that is the reason why many /people

people detained have not been brought to trial; that the evidence against them is not producible in Court. Witnesses will not come forward and risk their lives.

CHAIRMAN: I should like to put one more question, and that is about the application of the land regulations. It has been contended before us that these regulations get a very formalistic and narrow application. I have not been able to prepare what I was intending to ask in this respect because my time yesterday was occupied by other matters, but I remember one thing that has been said; that license was not given to exchange a piece of land to round off a possession - a farm, let us say, or a settlement. Can we hear a little about the application - whether it is so narrow?

Sir Henry GURNEY: With your permission, the Director of Land the Department of Land Registration will answer that.

Mr. STUBBS: You are referring, I assume, to a piece of land which the Jews desire to exchange with the Arabs; the Arabs were given two dunums for one. Is that the case?

CHAIRMAN: Yes.

Mr. STUBBS: The regulations as enacted do not permit the High Commissioner to transfer land in Zone A except for one general purpose; that is the consolidation of existing holdings. There are other exceptions, such as gifts to religious or charitable institutions, and mortgages to recognise reputable companies, but this is exchange of ownership. It was represented to you, I judge from the Press, that this was a small piece of land wedged into a Jewish settlement at Gezer. The fact is that it was not wedged into any of the Gezer land; it was contiguous in one boundary only to the Gezer land, the other three being contiguous to Arab land, and permission to acquire that land would not have been a consolidation but an

aggregation of an existing holding. Under the regulations, His Excellency has no power to add external land so as to enlarge existing holdings, but only to permit of the exchange or sale of internal land so as to consolidate an existing holding.

Sir Henry GURNEY: Perhaps it would be clearer if I were to add that the land regulations provide that the High Commissioner may permit the transfer of land within Zone A to persons not being Palestinian Arabs if, in his opinion, such transfer is necessary for the purpose of consolidating existing holdings or of effecting the parcellation of village nasha'a within the meaning of the Land Settlement of Title Ordinance. There is specific provision for that in the regulations on page 262 of the Survey. This point is referred to where we set out the conditions which were announced when the regulations were issued governing transfers in Zone B. These were transfers by Palestine Arabs to persons other than Palestine Arabs in Zone B and would not ordinarily be granted unless the transfer could be shown to be either one "for the purpose of consolidating, extending or facilitating the irrigation of holdings already in possession of the transferee or of his community, etc."

CHAIRMAN: I thank you for the answer. I think I have got what I wanted. Does anyone else wish to put a question?

Mr. SIMIC (Yugoslavia): In the memorandum of the Palestine Government, as well as in the memorandum of the British Government, both of which have been submitted to our Committee, certain details are presented with regard to an attempt made in 1922 and 1923 to create a legislative body in Palestine, which would be done in accordance with stipulations.

/CHAIRMAN: This

CHAIRMAN: This is a general question. We should perhaps first exhaust this question of the land regulations.

Mr. BLOM (Netherlands): I remember Mr. Shertok told us that in the land regulations, the State Domain was exempt from the strict prohibition, even in the prohibited area, against transfers to Jews. I see in the green paper on page 32 a reference to an earlier statement of Mr. Shertok. It is in the middle of the page in regard to a statement that no State Domain land is allocated to Jews: "It should be mentioned that 190 square kilometres of State Domain lands are leased to Jews." Are they also within the prohibited Zone -- these 190 square kilometres?

Mr. MACGILLIVRAY: Some State Domains in areas now included in the prohibited zones were leased to the Jews before the date of the Land Transfers Regulations.

Mr. BLOM (Netherlands): Mr. Shertok's statement that no transfer of State Domain was allocated was correct?

Mr. MACGILLIVRAY: No long leases have been granted since the date of the Land Transfers Regulations to Jews of State Domain within the restricted zones.

Sir Henry GURNEY: On page 265 of the Survey we really find the answer to Mr. Blom's question. It says there:

"The Jewish Agency has always considered that State Domain was specifically, and presumably with intent, excluded by regulation 8(b) from the operation of the Land Transfers Regulations and that, therefore, State Domain in zones A and B should be made available for the 'close settlement by Jews on the land'. This contention rests, however, upon a misinterpretation of the reasons underlying regulation 8 (b). That regulation was inserted as an afterthought, because it was felt that, in its absence, Government's hands might be unduly tied when dealing with special cases where no conflict of principle.

principle was involved. The particular case which gave rise to its insertion was that of Palestine Potash Limited: it was considered that in the absence of some such provision Government would be statutorily prevented from assigning State Domain in the Jordan Valley for an extension of the potash works which was considered as likely to be necessary in the near future. But it was never intended that the general principles to be observed in the disposal of State Domain should be different from those governing the alienation of the Arab land. As pointed out in paragraph 16 of the White Paper, quoted in paragraph 87 above, the reasons for the promulgation of the Regulations was the fact that there was already serious congestion in the Arab areas and that the Arab population was increasing at such a rate that it became double in the course of twenty-seven years. It was with a view to preventing, so far as possible, the further deterioration of Arab standards of living and the creation of a large landless Arab population that the alienation of further land to Jews in certain parts of Palestine was restricted."

displacement
/CHAIRMAN:

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CHAIRMAN: May I ask, would it be contrary to the policy pursued by the Land Regulations if State Domain was sold to Jews in the restricted areas?

Sir Henry GURNEY: Yes.

CHAIRMAN: If there are no more questions on the Land Regulations, will you put your question, Mr. Simic?

Mr. SIMIC (Yugoslavia): I shall repeat my question.

Sir Henry GURNEY: May I keep you a moment longer on this question in reference to a statement that was made ^{by the question} to you that these Regulations were suddenly introduced with no previous warning given. The warning was given when the Order-in-Council of May 1939 was issued. That Order-in-Council empowered the High Commissioner to make these Regulations. So that in May 1939 it was presumably known that these Regulations were to be made, and the Order-in-Council provided that Regulations under this Article - that is the relevant Article - may provide that they shall take effect as from any date not being earlier than the 18th day of May 1939. The question of the suddenness of their introduction in 1940 was dealt with by Mr. Malcolm MacDonald, then Secretary of State, in the House of Commons in March 1940, when he explained that if the draft of the Regulations had been published everyone would have known where the boundaries were going to be and there would have been forced sales of land and there might well have been such resentment of these forced sales of land on the part of Arabs that they might try to stop them. "A single incident in Palestine" - I am quoting from his speech - "might have occurred which would have set the whole country ablaze. If we had any right to take a risk like that in peace time, I do not think we should ever be justified in taking the risk in war time. If there had been a recrudescence of the trouble in Palestine I think members of the Council of the League of Nations would have come to the conclusion that we had made an error in judgment and neglected our duty to do what was necessary."

I would invite attention to that debate of 3 March 1940 in the British House of Commons by any member who wishes to study the history of

these Regulations.

CHAIRMAN: Can we leave the question of the Land Regulations now?

Mr. SIMIC (Yugoslavia): In the memorandum of the Palestinian Government, as well as in the memorandum of the British Government, both of which were submitted to the United Nations Special Committee on Palestine, certain details are presented regarding attempts made in 1922-23 to create a legislative body in Palestine, which would be done in accordance with the stipulation in the Mandate that the Mandatory Power should promote self-governing institutions, in Palestine. The question then arises: if these attempts did not succeed because the Arabs were afraid that they would not be able to prevent further immigration, were there no other possibilities for a solution? Could ^{the} Mandatory Power have reserved for itself the regulation of the immigration quota, as well as control over security measures, while delegating other competences such as education, economic life, transportation and so on, to this legislative body?

The question of local self-governing bodies belongs with the question of self-government, in general. What is the situation in regard to elections in local, county, provincial and other administrative units? And is the election law uniform and in force in all parts of Palestine?

Sir Henry GURNEY: I will do my best to answer. First of all, on this suggestion that perhaps we have not done all we might to develop self-governing institutions; I have already told you about the Legislative Council, and the history of that is fully set out in several documents. I have referred also to this long list of Advisory Boards and Committees, according to this Survey, which we have found worked successfully. But we admit that the Government's efforts have not been generally successful, even in the field of local authorities, and at present, of the four mixed Municipal Commissions, only those at Haifa and Tiberias have Arab and Jewish members who are not Government officers. But in implementing the Mandate to encourage local autonomy, Government has met with some greater success, and there has been considerable development and expansion over the past twenty-

/five

five years.

All except four of the 102 local authorities now established are either all Arab or all Jewish. Now, the system of local administration is set out in Chapter V of the Survey. If you look at the tables of revenue and expenditure given in the Survey, they give you some idea of the growth of local authorities.

In 1939, the revenue and expenditure of municipalities and local authorities totalled LP338,000 and LP326,000 respectively. In the year 1945-46, these figures had risen to LP4,270,000 for municipalities and LP290,000 for the local councils. Those do not include the village council figures. The Peel Commission criticized the absence of village administration. A committee was appointed in 1940 to study this problem, and the Village Administration Ordinance was passed in 1944. There are now forty village councils established under the Ordinance, all Arab. They are still young but they give encouraging signs. So much for the local government side of the development of local governing institutions.

I was not clear whether Mr. Simic was suggesting that when the efforts to establish a legislative council were shown to be unsuccessful the Government should have done something else.

CHAIRMAN: Do you have any more questions to put in this respect?

Mr. SIMIC (Yugoslavia): No.

CHAIRMAN: Does anybody else wish to ask any questions?

Sir Abdur RAHMAN (India): The Picketing Ordinance was passed in 1942 or thereabouts?

Sir HENRY GURNEY: Yes.

Sir Abdur RAHMAN (India): I should like to ask you for a copy of that Ordinance.

Sir Henry GURNEY: Yes, certainly.

Sir Abdur RAHMAN (India): I should like to know the background which led to the passing of that Ordinance.

Sir Henry GURNEY: I had prepared certain information for Sir

Abdur Rahman, and I will furnish it to him, with your leave. But I am afraid I do not have it here.

Sir Abdur RAHMAN (India): Will you send it to the Chairman?

Sir Henry GURNEY: Yes.

Sir Abdur RAHMAN (India): Is it true that Arab labour was being molested and that the Committee recommended that the Government pass an ordinance legalizing picketing, to some extent, under certain conditions? I am just asking for an explanation of the background of that ordinance.

Sir Henry GURNEY: Perhaps the Director of the Department of Labour could answer that question.

Mr. COUZENS: Actually, sir, this is not a labour question, but I happen to know what happened. Picketing is legal, and always has been. Certain types of picketing, violence and besetting houses and so on have been illegal under the Criminal Code Ordinance and have never been changed, but the measure to which reference is now made is, I think, a defence regulation passed in order to protect people who picketed not as a result of labour disputes but as a result of a campaign upon which the Jewish Agency and other bodies embarked in order to persuade, forcibly, many Jews to join the army. It was that sort of picketing which was prohibited by defense regulation. The same regulation made it specifically clear that it did not apply to picketing in relation to trade disputes.

Sir Abdur RAHMAN (India): Were exports in connection with the Ottoman Agricultural Bank stopped in 1922, or thereabouts?

Sir Henry GURNEY: I have a full answer for you here, but the short answer is no.

Sir Abdur RAHMAN (India): Were commodities owned by debtors to that credit institution prevented from being exported?

Sir Henry GURNEY: No.

Sir Abdur RAHMAN (India): Was the Ottoman Agricultural Bank wound up or stopped somewhere about that time?

Sir Henry GURNEY: In 1921. It was liquidated in accordance with Article 60 of the Treaty of Lausanne.

Sir Abdur RAHMAN (India): Was that bank lending money to agriculturists?

Sir Henry GURNEY: I presume that it was. It was founded in 1889 to help agriculturists^{by} the issue of loans. It was liquidated at a time when the Government said: "Whereas it is desirable to wind up the operation of the Imperial Ottoman Agricultural Bank in Palestine, with a view to institution of a new agricultural bank..."

Sir Abdur RAHMAN (India): When was the new agricultural bank brought into existence?

Sir Henry GURNEY: It has not yet been instituted. There have been other credit systems instituted in its place.

Sir Abdur RAHMAN (India): Did not the wiping out of that bank compel the agriculturists to sell their lands to pay off their debts?

Sir Henry GURNEY: Compel them to sell their lands?

Sir Abdur RAHMAN (India): Yes.

Sir Henry GURNEY: Not so far as I am aware. Have you any information to suggest that?

Sir Abdur RAHMAN (India): No. I want that information from you.

Sir Henry GURNEY: Not so far as I am aware. Nor was there prohibition of export of commodities from Palestine either then or at any time.

CHAIRMAN: Does anybody else wish to ask any questions?

Mr. Garcia GRANADOS (Guatemala): Do you have an approximate figure of the number of detainees who are held under the Emergency Regulations in Palestine?

Sir Henry GURNEY: Yes. The number of Jewish detainees at present is 291 in Kenya and 515 in Palestine.

Mr. Garcia GRANADOS (Guatemala): Is it very difficult to bring those people to trial? I mean, to investigate their cases and to liberate them. We have had a number of letters from all kinds of people, fathers, mothers, brothers, sisters and children.

Sir Henry GURNEY: Their cases are all investigated, sir, by an Advisory Committee, of which the Chairman is a retired judge. The Chairman

Chairman told me himself last week that he had just finished interviewing 75 of the detainees at Latruun, personally.

Mr. Garcia GRANADOS (Guatemala): Those letters are from people who say that their relatives have been detained three, four, five, seven years without trial.

Sir Henry GURNEY: That is unfortunately quite true, but I have tried to explain why it is not possible to bring them to trial.

Mr. Garcia GRANADOS (Guatemala): But then, according to the general principles of law, would it not be better to release them?

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32 Sir Henry GURNEY: I do not think that any British administration anywhere would require any advice on that point.

Mr. Garcia GRANADOS (Guatemala): I am not advising you, sir; I am only asking a question.

CHAIRMAN: You have heard the answer.

Mr. BLOM (Netherlands): I would like to ask one question with regard to the concessions, the Potash Works and the oil concessions of Haifa. I think it is true that in the course of these concessions the companies are exempted from certain duties and taxes.

Sir Henry GURNEY: It is quite true that the oil concessions given to the three oil companies concerned at Haifa provide for the exemption from customs duty of all their materials and imports required for the operation of their business.

Mr. BLOM (Netherlands): What I am looking for is to get an answer to the question whether these concessions are unfavourable or favourable for this country. Could one say in a general way that the clauses of these concessions are not very favourable for the economic conditions of Palestine?

Sir Henry GURNEY: Against the exemption from customs duty there has to be set the employment.

Mr. BLOM (Netherlands): Of course, it gives a lot of employment.

Sir Henry GURNEY: And the exports those companies provide. Again,

there is general exemption from customs duty for machinery. For example, the Palestine Potash, although not having the full concession of the oil companies, do get customs free importation of their plant and machinery. But your question as to whether more could have been obtained for Palestine when those concessions were granted -

Mr. BLOM (Netherlands): That is what I am asking.

Sir Henry GURNEY: That is a matter of opinion.

Mr. BLOM (Netherlands): Yes, of course.

Sir Henry GURNEY: The concessions were negotiated many years ago, and I do not think I can really add usefully to what I have said.

Mr. BLOM (Netherlands): For myself, I am uncertain whether these conditions could have been more favourable or not. I believe it is a very difficult question to answer. We could perhaps ask the Chief Secretary whether, if he had to negotiate with these companies now, he would try to get something more out of it for Palestine.

CHAIRMAN: Anyhow, it would have been easier to do it if one had known the result of the work which has been done for developing the company.

I want to make it clear that the answers given to questions about detainees do not dispense with the request we made for statistics on that point.

Sir Henry GURNEY: I have them here, sir.

CHAIRMAN: Will you hand them over to us?

Sir Henry GURNEY: Yes.

CHAIRMAN: As there do not seem to be any more questions, I want to thank you, Sir Henry, and the other gentlemen for the information you have given us here today.

I should also like to take this opportunity to thank you on behalf of the Committee for the willingness you have shown in giving us the information we have asked for and for all you have done to facilitate our task. Thank you.

Sir Henry GURNEY: Thank you very much. And may I, on behalf of the Government, express to you our appreciation of the unfailing patience with which you have received the evidence. I hope that some way may be found to discover,

through your efforts, a true and just solution of this difficult problem. You take with you, sir, all our very best wishes for success.

(The meeting adjourned at 12:15 p.m.).
