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Geneva, January 31st, 1938.

MANDATES.

PALESTINE.

Note by the Secretary-General.

The Secretary-General has the honour to communicate to the Council, for its information, the following letter from the United Kingdom Delegation to the League of Nations, together with its enclosure Document Cmd.5634\*) entitled "POLICY IN PALESTINE".

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United Kingdom Delegation  
to the League of Nations,  
Geneva.

28th January, 1938.

To the Secretary-General.

I am directed by the Secretary of State for Foreign Affairs to transmit to you, for the information of the League of Nations, the accompanying twenty copies of a White Paper, which was issued on January 5th, regarding the policy of His Majesty's Government in Palestine.

(Signed) R.C. Skrine Stevenson.

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\*) Only one copy of the original document can be communicated to each member.



# POLICY IN PALESTINE

Despatch dated 23rd December, 1937, from  
the Secretary of State for the Colonies  
to the High Commissioner for  
Palestine

*Presented by the Secretary of State for the Colonies to  
Parliament by Command of His Majesty  
January, 1938*

LONDON

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Cmd. 5634

Downing Street.

23rd December, 1937.

SIR,

I have the honour to inform you that His Majesty's Government in the United Kingdom have had under consideration the Statement of Policy in Palestine issued in July last (Cmd. 5513), and the conclusions to be drawn from the resolutions on the subject which have been passed first by the House of Commons and subsequently by the Permanent Mandates Commission and the Council and Assembly of the League of Nations. A memorandum containing relevant extracts from the Statement of Policy and the resolutions in question, and containing also extracts from Ministerial statements, is enclosed for convenience of reference.

2. I feel that it is necessary to emphasize certain implications of the acceptance in principle by His Majesty's Government of the recommendations contained in Part III of the Report of the Royal Commission,\* and to dispel, if possible, the uncertainty which appears to exist in some quarters with regard to the course of action which His Majesty's Government have in view.

3. In the Statement of Policy His Majesty's Government have expressed their general agreement with the arguments and conclusions of the Royal Commission and their opinion that a scheme of tripartite division is the best and most hopeful solution of the problem. In view of the public attention that has been devoted to criticism of certain features of the tentative plan of partition which is outlined in Part III of the Report of the Royal Commission, I wish to make it clear that His Majesty's Government are in no sense committed to approval of that plan, and in particular that they have not accepted the Commission's proposal for the compulsory transfer in the last resort of Arabs from the Jewish to the Arab area.

4. In the opinion of His Majesty's Government the discussions at Geneva justify the undertaking of the further investigations required for the drawing up of a more precise scheme expressed in greater detail. The final decision cannot be taken in merely general terms, and the further enquiry will undoubtedly provide the necessary materials on which, when the best possible scheme has been formulated, to judge of its equity and practicability.

5. As you are aware, it has been announced that a further special body will be appointed to visit Palestine, and to submit to His Majesty's Government, after consultation with the local communities, proposals for a detailed scheme of partition; and that it will be the task of this body to advise in due course as to the provisional boundaries of the proposed Arab and Jewish

\* Cmd. 5479.

areas and of the new British Mandated area, and also to undertake the financial and other enquiries for which the Royal Commission recommended that a Financial Commission should be appointed. The functions of this new body will be to act as a technical Commission, that is to say, its functions will be confined to ascertaining facts and to considering in detail the practical possibilities of a scheme of partition.

6. The terms of reference of the technical Commission will be as follows:—

“ Taking into account the plan of partition outlined in Part III of the Report of the Royal Commission, but with full liberty to suggest modifications of that plan, including variation of the areas recommended for retention under British Mandate,

And taking into account any representations of the communities in Palestine and Trans-Jordan—

(i) to recommend boundaries for the proposed Arab and Jewish areas and the enclaves to be retained permanently or temporarily under British Mandate which will—

(a) afford a reasonable prospect of the eventual establishment, with adequate security, of self-supporting Arab and Jewish States;

(b) necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa; and

(c) enable His Majesty's Government to carry out the Mandatory responsibilities the assumption of which is recommended in the Report of the Royal Commission, including the obligations imposed by Article 28 of the Mandate as regards the Holy Places;

(ii) to examine and report on the economic and financial questions involved in partition upon which decisions will require to be taken, including—

(a) the allocation so far as may be necessary between the various areas of the public assets and public debt of Palestine and other ' financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate ' referred to in Article 28 thereof;

(b) means to ensure that the financial obligations referred to above will be fully honoured in accordance with Article 28 of the Mandate;

(c) the administration of the railways, ports, postal, telegraph and telephone services;

- (d) currency arrangements;
- (e) customs administration and tariffs;
- (f) the budgetary prospects of the various Administrations to be established;
- (g) the preservation of the rights of civil servants in accordance with the provisions of Article 28 of the Mandate;
- (h) the treatment of industrial and other concessions;
- (i) the possibility of voluntary exchanges of land and population, and the prospects of providing by works of land development room for further settlement to meet the needs of persons desiring to move from one area to another;
- (j) the provision of effective safeguards for the rights of religious or racial minorities in the areas to be allocated to Arab and Jews respectively, including the protection of religious rights and properties."

7. If, as a result of the investigations of the technical Commission, which will undoubtedly occupy many months, a scheme of partition is regarded as equitable and practicable by His Majesty's Government, it will be referred to the Council of the League for consideration. If the scheme is approved by the League Council, a further period will be required for the establishment of new systems of government under mandate in the areas concerned and, if the necessary consent is forthcoming, for the negotiation of treaties with a view to the eventual establishment of independent States. It may also be necessary, in the light of the Commission's report, for His Majesty's Government to give further consideration to the suggestion of the Permanent Mandates Commission that the Arab and Jewish areas should be administered temporarily under a system of "cantonisation" or under separate mandates. It is obvious, therefore, that, for some time to come, any action taken will be only of an exploratory nature.

8. I will communicate with you further in due course on the subject of the personnel of the Commission and its procedure.

I have, &c.,

W. ORMSBY GORE

High Commissioner,  
 General Sir Arthur Wauchope,  
 G.C.M.G., K.C.B., C.I.E., D.S.O.,  
 etc., etc., etc.

## SUMMARY OF RECENT STATEMENTS AND RESOLUTIONS

### 1. *Statement of Policy.*

In the Statement of Policy of July, 1937 (Cmd. 5513) it was stated that His Majesty's Government had been driven to the conclusion "that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock. . . ."

"His Majesty's Government, therefore, propose to take such steps as are necessary and appropriate . . . to obtain freedom to give effect to a scheme of partition, to which they earnestly hope that it may be possible to secure an effective measure of consent on the part of the communities concerned."

### 2. *Parliament.*

The House of Commons, on the 21st July, 1937, passed a resolution to the following effect:—

"That the proposals contained in Command Paper No. 5513 relating to Palestine should be brought before the League of Nations with a view to enabling His Majesty's Government, after adequate enquiry, to present to Parliament a definite scheme taking into full account all the recommendations of the Command Paper."

### 3. *Statements by Mr. Ormsby Gore before Permanent Mandates Commission.*

"What I ask is that you should advise the Council that, in the light of our experience and our knowledge of Palestine, a solution on the lines of partition should be explored as the best and most hopeful solution of what the mandatory Power is itself convinced is, in fact, a deadlock. I do not ask you to approve a scheme of partition, or to settle these questions of defence, minorities, &c. All I ask you is to recommend that the door should not be closed to a solution by partition. I ask you to open the door and not to close it. I do not ask the Mandates Commission to commit itself finally, but to allow the mandatory Power to explore the solution which it thinks best in the circumstances, and to produce for the League in due course a more definite scheme for your later consideration." (Minutes of Thirty-Second Session, pp. 37-38.)

\* \* \* \*

"It was his belief that, in view of the actual wording of the Royal Commission's report, and in view of the mandatory Power's declaration that a deadlock had arisen and that its hopes of seeing Palestine evolve into a self-governing State, where Jews and Arabs would have reconciled their differences, had not been fulfilled, and in view of the fact that neighbouring

Arab States had intervened, and in view of all the efforts sincerely made to work the mandate as drafted, he was satisfied that no British Government could administer Palestine on the basis of the existing mandate without considerable alterations." (Minutes, p. 169.)

\* \* \* \*

"The idea that it would be open to the United Kingdom or any other Power to carry on the existing mandate was an idea in which he hoped the Mandates Commission would not take refuge. He said frankly, not speaking for himself, but speaking on behalf of the United Kingdom Government, that the prospects of carrying on indefinitely on the terms of the existing mandate seemed to His Majesty's Government to be a commitment involving repression, involving continual friction and hostility between each of the two races, on the one hand, and the Administration on the other, as well as between the two races themselves, in a manner which could not inure to the advantage of any one of the three parties concerned—or, for that matter, to the credit of the mandate system or of the League itself.

"Mr. Ormsby Gore was satisfied that a new solution—a political solution, as he had described it—of the problem of Palestine must be explored in the interests of the future peace of Palestine, and, further, in the wider interest of the future relations between the Jews and the world of Islam, for the benefit of the suffering Jews in Europe, as well as for the benefit of the peace of the world. It was in the light of these broad political considerations that he came before the Mandates Commission, not as an administrator, but quite frankly as a politician, to say that, in his opinion, and in the opinion of His Majesty's Government in the United Kingdom, it was essential that a solution of what they regarded quite definitely as a deadlock should be explored." (Minutes, pp. 184-185.)

\* \* \* \*

"[Mr. Ormsby Gore] had certainly had no intention of conveying the impression that the Balfour Declaration was not still a binding obligation on both the League and the United Kingdom. Obviously, like the mandate, it was still a binding obligation, and would remain so until replaced by an independent Jewish State. It was only if the suggested plan of partition were accepted, and eventuated in the creation of a Jewish State, that the Balfour Declaration would reach its fruition and cease to be binding. Similarly, the mandate was binding until it was replaced by another régime in Palestine." (Minutes, p. 182.)

\* \* \* \*

"The Mandates Commission would see that the solution recommended by the Arab Higher Committee implied: first, the

retention by the Arabs of the right to complete independence in their own land, which they described as the whole of Palestine; second, the cessation (whatever that meant) of the experiment of the Jewish National Home; third, the cessation of the British mandate and its replacement by a treaty similar to those existing between the United Kingdom and Iraq, the United Kingdom and Egypt, and France and Syria, constituting Palestine a sovereign State; and, fourth, the immediate cessation of all Jewish immigration and of land sales to Jews pending the conclusion of the treaty. That solution, Mr. Ormsby Gore wished to say, quite frankly, was unacceptable to the United Kingdom Government if it were for the whole of Palestine." (Minutes, p. 191.)

\* \* \* \*

"I take it that the basic principle of any partition scheme would be to leave as few Jews as possible in the Arab State; indeed, even under the proposals of the Royal Commission, that seems to be the main basis upon which it has acted, and would, I believe, be the only possible basis on which a frontier could be drawn. But, however you draw that frontier, it is inevitable that there will be a large Arab minority in the Jewish State, and it is therefore politically wise, and indeed necessary, that special provisions should be made for the legitimate safeguarding of the interests of that minority. And again, on the other side, though an appreciable number of the Christians will be in the proposed British mandatory enclave, there will be, in the proposed Arab State, however you draw that frontier, a considerable number of Christians." (Minutes, p. 37.)

\* \* \* \*

"Therefore, I grant that provisions for safeguarding minorities will have to be made over and above the ordinary provisions which are made in the ordinary minorities treaties operating under League auspices in many countries in Europe. . . . I see no reason why, in the case of Palestine, we should be strictly limited to the kind of procedure which operates in those European States." (Minutes, p. 37.)

#### 4. *Permanent Mandates Commission.*

The Report of the Permanent Mandates Commission to the Council of the League on the work of its Thirty-second (Extraordinary) Session contains the following conclusions:—

"The Commission therefore considers that it is worth continuing the examination of the advantages and drawbacks of a new territorial solution. It appears quite natural and legitimate that the mandatory Power, rightly anxious to give satisfaction to the conflicting aspirations of Arabs and Jews in Palestine, and having failed to do so by the institution of a



common administration for the whole territory, should be empowered to contemplate in some form or other the establishment of a régime in which these aspirations would each be satisfied in a part of the territory.

“ This satisfaction cannot, of course, be complete. For the Arabs, any partition must necessarily involve the abandonment of a fraction of what they consider to be their hereditary patrimony. For the Jews, it could involve, together with a restriction of the scope of their national home, already limited, as they allege, by the exclusion of Trans-Jordan in 1922, a fresh reduction in its capacity of absorbing population.

“ Any solution to prove acceptable should therefore deprive the Arabs of as small a number as possible of the places to which they attach particular value, either because they are their present homes or for reasons of religion. And, further, the areas allotted to the Jews should be sufficiently extensive, fertile and well situated from the point of view of communications by sea and land to be capable of intensive economic development, and consequently of dense and rapid settlement. . . .

“ The Commission would be failing in its duty if it did not draw the Council’s attention to the delicate problem of the transfer of populations from one territory to the other which might be necessary if there was a partition. In order to guarantee that the advantages of such a transfer should outweigh the disadvantages, particular care would have to be given to ensure that it was carried out with the greatest fairness.

“ As regards the proposal to withdraw the Holy Places from the domination of Arabs and Jews and place them under a special régime, the Commission thinks that such a step could not but be of advantage to general peace, provided that this régime was based on Article 28 of the present mandate. . . .

“ While declaring itself favourable in principle to an examination of a solution involving the partition of Palestine, the Commission is, nevertheless, opposed to the idea of the immediate creation of two new independent States. . . .

“ The Commission therefore considers that a prolongation of the period of political apprenticeship constituted by the mandate would be absolutely essential both to the new Arab State and to the new Jewish State. This apprenticeship might be carried on in one of two forms.”

“ Provisional cantonization ” and “ Two Mandates ” are then discussed.

5. *Extracts from the Speech of the Secretary of State for Foreign Affairs at the 98th Session of the Council of the League of Nations, on the 14th September, 1937.*

“ I would remind the Council that the Balfour Declaration itself had a dual character. On the one hand, it provided for

the Jewish national home, on the other it laid down the condition that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights or political status enjoyed by Jews elsewhere.

“ It is clear that under these provisions a twofold task was imposed upon the mandatory Power. It was under an obligation to further the establishment of the Jewish national home, and at the same time it was bound to do its best to guide the country as a whole along the path towards full nationhood. Indeed, the development of self-governing institutions is one of the objects specifically prescribed in Article 2 of the mandate.

“ At the time when the mandate was drawn up by our predecessors it was clearly not contemplated that these two obligations would prove mutually incompatible. . . . No one, least of all the mandatory Power itself, or the Council of the League, who approved the form of the mandate, anticipated that the future would be entirely free from difficulties. But it was hoped that the two races in Palestine would so adjust their national aspirations as to render possible the establishment of a single self-governing commonwealth under a unitary Government. This hope has, unfortunately, not been fulfilled. The reasons for its non-fulfilment are admirably set forth in Chapter 20 of the report of the Royal Commission. . . . Stated briefly, their conclusion is that the attempt has failed, not from any fault on the part of the Administration, or from any hesitation in applying the mandate, but because the conflict between Arab and Jewish political aspirations, which was inherent in the situation from the first, has tended to be confirmed by certain provisions of the mandate itself. It has, moreover, been intensified, not only by the estranging forces of conditions inside Palestine, but perhaps even more by external factors beyond the control of the British Administration in Palestine.

“ These external factors fall into two main sections. Firstly, there has been a growth of anti-semitism, and the development of new economic and social conditions, in certain European countries, which have resulted in increased desire on the part of the Jews, and increased pressure on His Majesty's Government to find room in Palestine for largely increased numbers of Jewish refugees. Secondly, there has been the growth of Arab nationalism throughout the Arabic-speaking countries and their increasing concern in the future political destiny of Palestine.

“ I am anxious to avoid over-statement, but I do wish to say, with all the emphasis in my power, that these new factors, which no one could have foreseen when the mandate was drawn up and approved by the Council, have transformed the whole situation and have created a new set of conditions under

which the policy which was contemplated some two decades ago, and which we have done our utmost to carry out ever since, has become definitely unworkable. . . .

“ That is the situation in which His Majesty’s Government come to the Council to-day. Palestine is a mandated territory administered by Great Britain on behalf of the League. The Palestine problem is not merely one that concerns Arabs and Jews, or one for which His Majesty’s Government alone is required to find a solution. It is a problem that concerns the League as a whole. The mandatory Power can take no steps towards the modification of the mandatory régime without the authority of the League. His Majesty’s Government clearly cannot proceed to work out the details of any scheme of partition, such as has been suggested by the Royal Commission, unless they are assured that they have the general approval of the Council in embarking on this task. It is for that general approval that I ask to-day.

“ My colleagues will have seen the statement of policy issued by His Majesty’s Government in the United Kingdom at the time of the publication of the Royal Commission’s report. In that statement the opinion was recorded ‘ that a scheme of partition on the general lines recommended by the commission represents the best and most hopeful solution of the deadlock.’ To that opinion we adhere. . . . All I ask at this stage is that His Majesty’s Government shall be given authority to proceed forthwith to work out the details of such a scheme, if possible in co-operation with representatives of both Jews and Arabs, it being understood that no scheme will be put into effect without further reference to, and approval by, the Council.

“ The procedure that His Majesty’s Government have in mind, if the Council give their general approval to the policy which I have outlined, is to appoint a further special body to visit Palestine, to negotiate with Arabs and Jews and to submit to His Majesty’s Government in the United Kingdom proposals for a detailed scheme of partition. It would be the task of this body to advise, in due course, as to the provisional boundaries of the proposed Arab and Jewish States and of the new British mandated area, and also to undertake the financial and other enquiries for which the Royal Commission recommended that a financial commission should be appointed.

“ At a later stage, a final and detailed boundary demarcation commission would need to be appointed. . . .

“ In the view of His Majesty’s Government in the United Kingdom, partition is the only ultimate solution. It alone admits of the fulfilment both of Article 22 of the Covenant, which contemplates independence as the goal of all territories

in the category of 'A' mandates, and of the obligation to establish in Palestine a national home for the Jewish people.

"What His Majesty's Government contemplate is not a dual but a tripartite division of the country, for they take it from the terms of Article 28 of the existing mandate that it is the intention and wish of the League that the Holy Places, including the Christian Holy Places, should remain permanently under League supervision and control. The vast majority of the Christian Holy Places are in the three cities of Jerusalem, Bethlehem and Nazareth. The two latter are almost entirely Christian towns. In the old city of Jerusalem and its immediate environs are not only many historic religious sites, but the religious settlements of many faiths. We think it will be in accordance with the wishes of the vast majority of States Members of the League that, when contemplating the ultimate establishment of Jewish and Arab States in the Holy Land sacred to all three religions, these religious sites and institutions should be placed permanently in the care of a Power acting on behalf of and responsible to the League as a whole for what must always be a sacred trust. . . ."

#### 6. *Council of the League.*

The Council of the League, on the 16th September, 1937, adopted the following resolution:—

"In view of the United Kingdom Government's statement of July, 1937, concerning the conclusions of the Royal Commission on Palestine;

"In view of the preliminary opinion given to the Council by the Mandates Commission;

"In view of the statement made by the Representative of the United Kingdom at the Council meeting of September 14th, 1937, and the discussion on the status of Palestine which took place at the same meeting;

"Having regard to the intention expressed by the United Kingdom Government of pursuing the study of the problem of the status of Palestine while concentrating on a solution involving partition of the territory;

"Recalling the assurances given in that connection by the Representative of the United Kingdom on the subject of immigration;

"The Council:

"Agrees to the United Kingdom Government's carrying out the aforesaid study and taking such steps as it may entail;

"And, while pointing out that the Mandate of July 24th, 1922, remains in force until such time as it may be otherwise decided, defers consideration of the substance of the question until the Council is in a position to deal with it as a whole and in the meantime entirely reserves its opinion and its decision."

7. *Assembly of the League.*

The resolution adopted by the Assembly on the 30th September, 1937, reads as follows:—

“ The Assembly,

“ Having noted the activity of the mandatory Powers, the Permanent Mandates Commission and the Council concerning the application of the principles laid down in Article 22 of the Covenant and in the texts of the mandates:

“ (a) Renews the expression of confidence in them voted by previous sessions of the Assembly, and pays a tribute to the results they have achieved thanks to a close and frank co-operation which it is essential to maintain;

“ (b) Expresses its conviction that the problem of Palestine, which is at present before the Council, will be equitably settled, account being taken to the fullest possible extent of all the legitimate interests at stake.”