

C.581.1922.VI.

LEAGUE OF NATIONS.

GENEVA, 29th August, 1922.

COMMISSION ON THE HOLY PLACES.

Note by the Secretary-General.

In the memorandum of the Vatican of August 15th, 1922, circulated to the Members of the Council on August 24th, 1922, (C.566.1922.VI), reference is made to a memorandum from the Holy See of June 4th. This memorandum had not been received in the Secretariat on August 24th. As a result of enquiries made by the Secretary-General, the memorandum was forwarded to the Secretariat on August 29th, 1922.

It is now communicated to the Members of the Council.

Translation.

MEMORANDUM FROM THE VATICAN.

With regard to the Draft British Mandate for Palestine, which was laid before the Secretariat of the League of Nations by Lord Balfour in December 1920, and which will be discussed by the Council of the League before July 15th next, we desire to make the following observations :

The Holy See raises no objection to the decision already taken by the League of Nations to entrust the Mandate for Palestine to Great Britain, for it has already often had occasion to express its admiration for the just and impartial spirit of that nation.

Nevertheless, the Holy See conceives it to be its duty to request that certain articles in the Balfour Draft should be modified, in the interest of the noble British nation, which would surely desire that the Mandate for Palestine should be administered in an atmosphere of peace and without causing any uneasiness to the religious sentiment of the peoples concerned.

According to these articles :

1. The Jews would enjoy in Palestine a privileged and preponderating position as compared with Catholics and other nationalities and creeds.
2. The rights of the Christian communities - and especially those of Catholics - would not be adequately safeguarded.

With regard to the first point, although in the Preamble, which aims at the establishment of a national home for the

Jewish people, the Balfour Draft guarantees that "nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine"; nevertheless, it appears from the wording of certain articles that there is an intention to confer a definitely preponderating influence, from an economic, administrative and political point of view, on the Jewish element as compared with the other nationalities and creeds.

In the Balfour Draft :

- (a) A Jewish agency, which is nothing less than the very influential Zionist organisation, is recognised as a public body (Article 4);
- (b) This Jewish agency is given the rôle of co-operating with the administration of Palestine and is endowed with very wide powers, even in questions regarding "the development of the country";
- (c) The immigration of Jews is encouraged (Art. 7); and care is taken to provide and to facilitate a "close settlement" for Jews, who are even to receive grants of State lands or waste lands (Art. 6); they are also to be given preference in connection with contracts for public works (Art. 11).

The effect of all these provisions of the Draft, tending to give the Jewish element a definitely preponderating influence over all the other races and creeds of Palestine, appears to be not only a serious injury to the established rights of the latter, but also to be incompatible with Article 22 of the Treaty of Versailles, which defined the nature and the objects of all Mandates. According to this Article, a Mandate is a tutelage which is assumed by some

power for the benefit of "peoples not yet able to stand by themselves under the strenuous conditions of the modern world"; and its object is "a sacred trust of civilisation", namely, "the well-being and development of such peoples".

The passages just quoted are obviously incompatible with a Mandate which would prove to be an instrument for the subjection of native Catholics and races or of religious communities, for the benefit of another nationality or creed.

As regards the second point, special attention should be directed to Article 14 of the Balfour Draft, which provides, in conformity with Article 95 of the Treaty of Sevres, for a "special Commission to study and regulate all questions and claims relating to the different religious communities".

The Holy See desires at once to state that it could never agree that this Commission should consider itself entitled to discuss the question of the ownership of the Holy Places, almost all of which have for centuries - even under the Turkish domination - always remained in the undisturbed possession of Catholics.

The Holy See further ventures to remark that the Commission, as provided for in Article 14 of the Balfour Draft, would be unable to arrive at any concrete result. Since all the creeds concerned are to be represented upon the Commission, it is only too probable that violent dissensions may arise within that body, the inevitable result of which will be a combination of all the other members against those of the religion which is in possession of the particular Holy Place in question. The result will be to make any reasoned decision by the Commission impossible.

For this reason the Holy See has already ventured to suggest to the eminent Council of the League of Nations that the Commission mentioned might be composed of the Consuls maintained in the Holy Land by the Powers represented on the Council, whilst those of the Powers who do not maintain a Consul in the Holy Land should be given the right to appoint another representative upon the Commission.

It is true that by the provisions of Article 95 of the Treaty of Sèvres, this Commission should be appointed by Great Britain; the Holy See, however, entertains the hope that, with its enlightened views, the Council of the League of Nations, to which the consideration of the Balfour project is reserved, will realise the necessity of accepting the modification suggested above, or of one similar to it, in order that the decisions of the Commission may be reached in a reasonable and impartial atmosphere, and may thus be the more easily accepted by the parties concerned. In addition, the Holy See sees no objection to representatives of the various religious communities sitting upon the Commission, provided, however, that they act merely in an advisory capacity.

The Vatican.

June 4th, 1922.