

If, therefore, the mandate on Palestine has, in its inception or the interpretation of its objects or in its practical application, deviated or departed from the primary objectives of Article 22 of the Covenant, then it is *ultra vires* and null and void. There is no power in Article 22 of the Covenant which enables the embodiment in the mandate of provisions prejudicial to the interests of the people of the country. A further issue which the Special Committee would have to inquire into is that the mandate was intended to be a provisional and transitory form of administration. The neighbouring Arab countries—Iraq, Lebanon, Syria, and Trans-Jordan—were similarly and at the same time placed under mandate. They are now making their contribution to the organization and maintenance of world peace and security.

Mr. Bevin declared on 25 February, 1947, in the House of Commons, the following :—

“ In other States in the Middle East, we also took on mandates, and they have all led to self-government. I want to state that the cultural development of the Arabs and Jews in Palestine is of as high a standard as in any other Arab State.”

There is, therefore, no justice in the denial to the people of Palestine of the elementary rights of self-government and independence. If, with a view to continuing this injustice, it is argued that the cessation of the mandate might lead to bloodshed between Arabs and Jews, and even if that were at all true, it is no reason which carried any convincing force as the whole history of the mandate since its inception is a history of troubles, disorders, and bloodshed.

Another point which we suggest that the Special Committee inquire into is the effect of the dissolution of the League of Nations on the Palestine mandate. It was specifically provided in Article 22 of the Covenant that the mandate should be exercised by the mandatory “ on behalf of the League of Nations,” this being the primary condition under which the mandate was granted.

The powers of a mandatory cannot legally outlive the existence of the person or body delegating such powers. The mandatory cannot be said to-day to be exercising its powers on behalf of the League, a body which has ceased to exist.

Article 80 of the Charter of the United Nations has a negative operation in not interfering with existing rights. It has not the positive effect of conferring validity on, or retaining in full force, an agency or mandate which has ceased to have any validity. Even if the mandate can be said to be still in existence, the Special Committee should, in my submission, be asked to consider the conflict between the provisions of the mandate imposing the obligation to facilitate Jewish immigration and the obligation undertaken by the British Government on becoming a party to the Charter of the United Nations. The obligations in the mandate relating to the Jewish national home and the facilitation of Jewish immigration, if such are to be construed to imply their discharge against the will of the original inhabitants of the country and the majority of the population, are clearly in conflict with the purposes and principles of the Charter.

They are again in conflict with the resolution of the General Assembly of the United Nations adopted at its sitting on the 15 December, 1946, which disapproved of the resettlement of displaced person where the resettlement would be likely to disturb friendly relations with neighbouring countries. The resolution further states that due weight