

homeland. The conclusions arrived at by Sir John Hope Simpson, who visited Palestine in 1930 to report on Jewish immigration, land settlement and development, strengthens the Arab argument, if argument is needed, that the lands of a village belong to its inhabitants and Government was duty-bound to develop such lands as are not privately-held for the benefit of the village as a whole. Sir Hope Simpson said: "It is clear, however, that of the land which remains with the Government at the present time [1930] the area is exceedingly small, with the exception of tracts which, until developed, are required in their entirety for the maintenance of the Arabs already in occupation. It cannot be argued that Arabs should be dispossessed in order that the land should be made available for Jewish settlement. That would amount to a distinct breach of the provisions of Article 6 of the Mandate."<sup>2</sup>

The Simpson statement disposes of any doubt that the lands within the boundaries of an Arab village or Jewish settlement, whether registered in the names of individuals, the Mukhtar or Government, belong to the village as a whole and no outside elements are entitled to acquire them. This fact was accepted by the Palestine Government; for, in its reply to the Jewish Agency's demand for the allocation of State Domain to the Jews, the Government said:

"The question of the availability of State Domain has been examined by Government in some detail and it has been shown that, although there are large areas of State Domain, it cannot be assumed that Government is in possession of extensive tracts of land which are lying idle. In fact, in respect both of land to which Government has a settled title and land claimed by Government as State Domain but still subject to settlement of title, there is very little that is not already put to some useful purpose. This fact is made clear by the following analysis of State Domain made at the end of 1943:

|  | <i>Title Settled</i><br><i>Dunums</i> | <i>Title not Settled</i><br><i>Dunums</i> |
|--|---------------------------------------|---|
| (i) Lands used for public purposes, e.g., forests, railways, roads, etc. | 219,695                               | 619,858                                   |
| (ii) Lands occupied under tenures derived from the Ottoman regime        | 105,340                               | 76,351                                    |
| (iii) Leased to Jews for long periods                                    | 75,273                                | 99,815                                    |
| (iv) Leased to Jews for terms of less than 3 years                       | 2,389                                 | 43  |
| (v) Leased to Arabs for long periods                                     | 793                                   | 429                                       |
| (vi) Leased to Arabs for terms of less than 3 years                      | 17,591                                | 44,931                                    |

(2) *Cmd. 3686* — The Hope Simpson Report of 20 October 1930, p. 59.

Article 6 of the Mandate quoted by Sir John states: "The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate ... close settlement by Jews on the land, including State lands and waste lands not required for public purposes."