

الموقف

ENCLOSURE Ia.

A/Chief Secretary.

On the 31st July I had an interview lasting 1½ hours with the President of the S.M.C., at which were also present yourself and Ruhi Bey. The object of my seeing Haj Amin Effendi was to press him to comply with the condition contained in paragraph 2 of (21) herein that the wall leading to the Bab al-Magharbeh of the Haram area should be built up to its former height, a condition which the S.M.C. had not yet fulfilled.

Haj Amin Effendi admitted frankly that he had not fulfilled it as it was the desire of the S.M.C. to keep the wall at a height sufficiently low to enable the Moslems to overlook from that spot the Jews at prayer at the Wailing Wall so as to assure themselves that they were not infringing the status quo. Haj Amin Effendi further protested that the area was waqf, that the status quo did not apply to it, and that Government had no power to issue orders with regard to the height of the wall in question. I reminded him, first, that he had in the first instance acted ultra vires by proceeding to demolish the wall and to convert the house below into a zawieh without the necessary building permits; secondly, that the status quo had been held to apply to areas adjoining the Wailing Wall in so far as changes in those areas must not be allowed to create annoyance or disturbance to Jewish worshippers at the Wall; thirdly, that were the wall not to be raised to its predecessor's height a new position would be created detrimental to the Jews in that they would be overlooked



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overlooked from a place whence previously they had not been overlooked. Haj Amin Effendi then said that he was not prepared to alter his dispositions in obedience to Jewish pressure, to which I replied that the Jewish public generally had as yet no knowledge of the contents of my letter to him of the 11th June; and I urged him to comply with my request before the terms of that letter became generally known to the Jews.

After a long and difficult discussion he ultimately agreed to do as I asked, but stated that he would write officially to say that the S.M.C. claimed the right to do as they liked in a matter such as this on waqf property and could not admit that the Government was entitled to direct what should be done there or to apply the principles of the status quo to that area.

I see that the letter thus foreshadowed has come in as (59) herein; and I learn that the wall has now been raised as desired by Government.

(Signed) H.C. LUKE.

7.8.29.