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**UNITED  
NATIONS**



**General  
Assembly**

A/364

3 September 1947

**OFFICIAL RECORDS OF THE SECOND SESSION OF  
THE GENERAL ASSEMBLY**

**SUPPLEMENT No. 11**

**UNITED NATIONS  
SPECIAL COMMITTEE  
ON PALESTINE**

**REPORT TO THE GENERAL ASSEMBLY**

**VOLUME 1**

**Lake Success  
New York  
1947**

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## **PREFACE**

The United Nations Special Committee on Palestine (UNSCOP) has completed its task within the limited period of three months fixed by the General Assembly. This has entailed great pressure of work. Every effort has been made to avoid, as far as possible, unforgivable errors and lacunae. It may, however, be foreseen that defects will be discovered by those who have been studying the Palestine question for years.

The problem of Palestine is not one the solution of which will emerge from an accumulation of detailed information. If such had been the case, the problem would have been solved long ago. Few countries have been the subject of so many general or detailed inquiries-official and unofficial-especially during the last decade. The problem is mainly one of human relationship and political rights. Its solution may be reached only through a correct appreciation of the situation as a whole and an endeavour to find a human settlement. In this respect, the opinions of members of an international committee who represent various civilizations and schools of thought and have approached the question from different angles may be of some value.

While a majority and a minority plan are proposed for the settlement of the Palestine question, it must be noticed that both plans are derived from findings and principles most of which have been agreed to unanimously.

Such unanimity may assist the General Assembly in solving a question whose complexity and numerous aspects-some of them fraught with so much human tragedy- have frustrated all previous efforts to achieve a solution.

## **INTRODUCTION**

This volume contains the report and recommendations submitted by the Special Committee on Palestine to the second session of the General Assembly of the United Nations. It comprises a preface, eight chapters, an appendix and a series of annexes.

The factual information presented in the first four chapters is intended to illustrate the various phases of the Committee's work and to serve as a background to the problem with which it dealt.

Chapter I describes the origin and constitution of the Special Committee and summarizes its activities as Lake Success, Jerusalem, Beirut and Geneva.

Chapter II analyses the basic geographic, demographic and economic factors, and reviews the history of Palestine under the Mandate. The Jewish and Arab claims are also set forth and appraised.

Chapter III deals with the particular aspect of Palestine as the Holy Land sacred to three world religions.

Chapter IV Consists of an analysis and recapitulation of the most important solutions put forward prior to the creation of the Committee or presented to it in oral or written evidence.

The following three chapters (V, VI, VII) contain the recommendations and proposals which are the main result of the work of the Committee during its three months of activity.

In Chapter V, eleven unanimous recommendations on general principles are put forward. A further recommendation of a similar nature, which was adopted with two dissenting votes, is also recorded.

Chapter VI and VII contain respectively a majority plan and a minority plan for the future government of Palestine, including provisions for boundaries.

The final chapter provides a list of the reservations and observations by certain representatives on a number of specific points. The text of these reservations and observations will be found in the appendix to the report.

## **CHAPTER I**

### **THE ORIGIN AND ACTIVITIES OF UNSCOP**

#### **A. CREATION OF THE SPECIAL COMMITTEE: ITS TERMS OF REFERENCE AND COMPOSITION**

*Convocation and agenda of the special session of the General Assembly*

1. On 2 April 1947, the United Kingdom delegation addressed a letter<sup>1/</sup> to the Acting Secretary-General of the United Nations requesting that the question of Palestine be placed on the agenda of the next regular session of the General Assembly and, further, that a special session of the General Assembly

be summoned as soon as possible for the purpose of constituting and instructing a special committee to prepare for the consideration of the question by the Assembly at its next regular session. The letter also indicated that the United Kingdom Government would submit an account of its administration of the Palestine Mandate to the General Assembly, and would ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.

2. Acting in accordance with rule 4 of the provisional rules of procedure of the General Assembly, Mr. Trygve Lie, the Secretary-General, communicated the request for a special session to the Member States. By 13 April 1947, the requisite majority had concurred with the request, and the Secretary-General summoned the first special session of the General Assembly to be opened at the General Assembly Hall, Flushing Meadow, New York, on 28 April 1947.

3. Five Member States (Egypt, Iraq, Syria, Lebanon, and Saudi Arabia) communicated<sup>2/</sup> to the Secretary-General the request that the following additional item be placed on the agenda of the special session: "The termination of the Mandate over Palestine and the declaration of its independence."

4. The General Committee of the Assembly at its twenty-eighth meeting, recommended the inclusion in the agenda and the reference to the First Committee of the item submitted by the United Kingdom Government<sup>3/</sup> After due consideration at its twenty-ninth, thirtieth and thirty-first meetings of the item submitted by the Arab States, the General Committee decided by a vote of eight to one, with three abstentions, not to recommend the inclusion of that item in the agenda.<sup>4/</sup>

5. The recommendations of the General Committee were subsequently adopted by the General Assembly at its seventieth and seventy-first plenary meetings<sup>5/</sup>

6. Hence, the sole item on the agenda of the special session was that submitted by the United Kingdom Government, viz., "Constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session." In accordance with the decision of the General Assembly, the item was referred to the First Committee of the Assembly for its consideration.

#### *Hearings*

7. Acting in consequence of a recommendation of the General Committee, the General Assembly decided also that the First Committee should grant a hearing to the Jewish Agency for

Palestine, and should take a decision upon communications from other organizations seeking to express their views on the Palestine problem.6/

8. After discussion, the First Committee determined at its forty-eighth meeting to grant a hearing to the Arab Higher Committee,7/ a decision which the General Assembly declared to be a correct interpretation of its intention.8/

9. Accordingly, representatives of the Jewish Agency for Palestine and the Arab Higher Committee presented their views with regard to the constituting and instructing of the special committee which might be created by the Assembly.9/

10. Requests for hearings, submitted by other organizations, were refused because it was considered that the organizations in question did not fulfil the requirement established by the First Committee, viz., that the organizations heard should represent a considerable element of the population of Palestine. It was noted that this decision did not exclude the possibility of these organizations being heard by the committee of investigation once it had been established.

*Statement by the United Kingdom representative*

11. At the first meeting of the General Committee, the representative of India questioned Sir Alexander Cadogan about a statement made by "an authoritative representative" of the United Kingdom Government that, whatever the recommendations of the United Nations, the United Kingdom was not prepared at that stage to say that it would accept these recommendations. Sir Alexander Cadogan replied that the actual statement had been, "I cannot imagine His Majesty's Government carrying out a policy of which it does not approve."10/ This did not mean that the Government would not accept any recommendation of the Assembly, but only that it would not carry out a decision it felt to be wrong.

12. The representative of the United Kingdom made a further statement in explanation of his Government's stand at the fifty-second meeting of the First Committee. He said then, *inter alia*, "We have tried for years to solve the problem of Palestine. Having failed so far, we now bring it to the United Nations, in the hope that it can succeed where we have not. If the United Nations can find a just solution which will be accepted by both parties, it could hardly be expected that we should not welcome such a solution. All we say—and I made this reservation the other day—is that we should not have the sole responsibility for enforcing a solution which is not accepted by both parties and which we cannot reconcile with our conscience."11/

### *Decisions of the First Committee*

13. The First Committee devoted twelve meetings to consideration of the question of constituting and instructing a special committee on Palestine.

14. With regard to the terms of reference, it was generally agreed that the Special Committee should be given the broadest competence to conduct its investigation and to ascertain the facts of all issues relevant to the problem. The Committee approved the final text of the terms of reference at its fifty-fifth and fifty-sixth meetings.12/

15. Discussions on the composition of the Special Committee focussed primarily on the question of the inclusion or non-inclusion of the five permanent members of the Security Council. After a lengthy debate, the Australian resolution, providing that the Special Committee should consist of eleven members, not including the five permanent members of the Security Council, was adopted at the fifty-seventh meeting by a vote of thirteen to eleven, with twenty-nine abstentions.13/ The following composition of the Special Committee was subsequently approved by a vote of thirty-nine to three, with ten abstentions: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, and Yugoslavia.14/

### *Final decisions of the General Assembly*

16. The report of the First Committee, including its final resolution concerning the composition and terms of reference of the Special Committee on Palestine, was discussed by the General Assembly at its seventy-seventh, seventy-eighth and seventy-ninth plenary meetings.

17. The General Assembly adopted the recommendations of the First Committee at the seventy-ninth meeting on 15 May 1947 by a final vote (on the resolution as a whole, after having voted each paragraph) of forty-five to seven, with one abstention.15/

18. The text of the final resolution constituting and instructing the United Nations Special Committee on Palestine—resolution 106 (S-1) — is as follows:

*"Whereas* the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a special committee to prepare for consideration at the next regular session of the Assembly a report on the question of Palestine,



*"The General Assembly*

*"Resolves that:*

"1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia;

"2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine;

"3. The Special Committee shall determine its own procedure;

"4. The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments and from such organizations and individuals as it may deem necessary;

"5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;

"6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;

"7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the second regular session of the General Assembly;

*"The General Assembly*

"8. *Requests* the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;

"9. *Authorizes* the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee on such basis and in such form as he may determine

most appropriate in the circumstances."

At the same meeting (the seventy-ninth), the General Assembly unanimously adopted (with a number of abstentions) a resolution proposed by the representative of Norway. This resolution -107 (S-1)-follows:

*"The General Assembly*

*"Calls upon all Governments and peoples, and particularly upon the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine."*

*Membership of the Committee and Secretariat*

20. In answer to a telegram from the Secretary-General requesting that representatives to the Special Committee be named as early as possible, the Governments of the eleven States which comprise the Committee communicated the appointment of the following representatives and alternates:

*Australia*

Mr. J. D. L. HOOD, representative

Mr. S. L. ATYEO, alternate

*Canada*

Justice I. C. RAND, representative

Mr. Leon MAYRAND, alternate

*Czechoslovakia*

Mr. Karl LISICKY, representative

Dr. Richard PEACH, alternate

*Guatemala*

Dr. Jorge Garcia GRANDEES, representative

Mr. E. ZEA GONZALES, alternate

*India*

Sir Abdur RAHMAN, representative

Mr. Venkata VISWANATHAN, alternate

Mr. H. DAYAL, second alternate

*Iran*

Mr. Nasrollah ENTEZAM, representative

Dr. Ali AKDALAN, alternate

*Netherlands*

Dr. N. S. BLOM, representative

Mr. A. I. SPITS, alternate

*Peru*

Dr. Alberto ULLOA, representative

Dr. Arturo Garcia SALAZAR, alternate

*Sweden*

Justice Emil SANDSTROM, representative

Dr. Paul MOHN, alternate

*Uruguay*

Professor Enrique Rodriguez FABREGAT, representative

Mr. Secco ELLAURI, alternate

*Yugoslavia*

Mr. Vladimir SIMIC, representative

Dr. Jose BRILEJ, alternate

21. The Secretary-General, in accordance with paragraph 8 of the resolution constituting and instructing the Special Committee, designated a Secretariat of fifty-seven members. The Secretariat was headed by Dr. Victor Hoo (Assistant Secretary-General in charge of Trusteeship and Information from Non-Self-Governing Territories), as the Secretary-General's Personal Representative to the Committee, and by Dr. Alfonso Garcia Robles (Director, General Political Division, Department of Security Council Affairs), as Principal Secretary.

#### B. SUMMARY OF THE ACTIVITIES OF THE SPECIAL COMMITTEE

22. The Special Committee on Palestine held its first meeting at the interim headquarters of the United Nations at Lake Success, New York, on Monday, 26 May 1947, at 3 p.m.

23. From that date until 31 August 1947, the day of the signing of this report, the Special Committee held sixteen public meetings and thirty-six private meetings. Its activities are divided, for the purposes of this summary, according to its place of meeting, i.e. Lake Success, Jerusalem, Beirut, and Geneva.

##### *Work of the Committee at Lake Success*

24. Presiding over the first meeting, the Secretary-General of the United Nations welcomed the Committee and spoke of the importance of its task. The members received the first three volumes of the "Working documentation on Palestine" prepared by the Secretariat.<sup>16/</sup>

25. The Committee decided to continue its meeting in private in order to exchange points of view on its future work. After an exploratory discussion, it was agreed to create a Preparatory Working Group which would produce some suggestions on various organizational matters for the consideration of the Committee.

26. The Preparatory Working Group held three meetings at the Empire State Building, New York, and presented its suggestions to the Committee at the second meeting held at Lake Success on Monday, 2 June 1947.

27. At this second meeting, and at the third and fourth meetings held respectively on 3 and 6 June, the Committee took the following main decisions:

(a) Justice Emil Sandstrom (Sweden) and Dr. Alberto Ulloa (Peru) were elected Chairman and Vice Chairman, respectively.

(b) Provisional rules of procedure<sup>17/</sup> were adopted.

(c) It was decided to request statements in writing from the organizations which had asked to be heard in New York, but not to grant any hearings there before the Committee's departure.

(d) It was agreed to postpone until the Committee's arrival in Palestine any discussion of communications from displaced persons requesting that the Committee visit assembly centres in Europe.

(e) Rule SI concerning the designation of liaison officers was communicated to the mandatory Power, the Jewish Agency for Palestine and the Arab Higher Committee.

(f) A tentative plan of work was adopted. This provided that, upon its arrival in Palestine, the Committee should take the following measures: first, ask the Government of Palestine to furnish factual information on its constitution and functions, together with other relevant data; second, request the Arab and Jewish liaison officers to present observations on this statement; third, make a brief survey of the country; and fourth, conduct hearings.

#### *Work of the Committee in Palestine*

28. The members of the Committee arrived in Palestine on 14 and 15 June, and met for the first time in Jerusalem (fifth meeting) on Monday 16 June 1947 at the Y.M.C.A. Building.

#### (a) DECISIONS ON THE PROGRAMME OF WORK

29. The Committee acted upon the decision taken at its last meeting in New York to visit various parts of Palestine. In drawing up the itinerary, three documents were taken into account a proposed itinerary submitted by the Government of Palestine, another suggested by the Jewish Agency for Palestine, and a third prepared on the basis of these two documents by the representative of the Netherlands. The suggested itineraries were referred for study and report to Sub-Committee<sup>17/</sup>, composed of the alternate representatives and presided over by Dr. Ralph Bunche of the Secretariat. On the basis of the Sub-Committee's suggestions, the Committee in

subsequent meetings approved the itinerary which was followed from 22 June to 3 July. (A detailed description of this itinerary appears as Annex 4.)

(b) DESIGNATION OF LIAISON OFFICERS

30. The Government of Palestine informed the Committee that it had appointed Mr. D. C. MacGillivray to be responsible for liaison with the Committee, and that Mr. H. C. Dobbs would assist on administrative matters. The Jewish Agency for Palestine named as its liaison officers Major Aubrey S. Eban and Mr. David Horowitz.

31. The Committee was further informed, at its 37th meeting, that the mandatory Power had appointed Mr. MacGillivray to serve in Geneva as its liaison officer to the Committee, within the meaning of rule 31 of the provisional rules of procedure.

(c) NON-COOPERATION OF THE ARAB HIGHER COMMITTEE

32. At its fifth meeting (the first held in Jerusalem), the Committee was informed by a cablegram from the Secretary-General of the United Nations of the decision of the Arab Higher Committee to abstain from collaboration with the Special Committee.<sup>18/</sup> The communication was read at the seventh meeting. The result was that, while the Committee unanimously expressed its hope of securing the cooperation of all parties, it decided not to take any formal action, considering that the Chairman had on the previous day made an appeal by radio for the full cooperation of all parties.<sup>19/</sup>

33. The Committee discussed again, at its 22nd and 23rd meetings on 8 July, the question of addressing a further request for cooperation to the Arab Higher Committee. The Special Committee reaffirmed its conviction as to the desirability of securing Arab cooperation and, after discussing the means by which this might best be accomplished, decided to address a letter directly to the Arab Higher Committee. This letter stated that the Special Committee had noted with regret the decision of the Arab Higher Committee not to cooperate, and repeated the Special Committee's invitation for full cooperation as expressed by the Chairman in his broad cast of 16 June.

34. On 10 July, a letter was received from Mr. Jamal Husseini, Vice-Chairman of the Arab Higher Committee. This communication states that the Arab Higher Committee found no reason to reverse its previous decision, submitted to the Secretary-General of the United Nations on 13 June 1947,<sup>20/</sup> to abstain from collaboration

(d) ORAL AND WRITTEN TESTIMONY FROM GOVERNMENTS,  
ORGANIZATIONS, RELIGIOUS BODIES AND INDIVIDUALS

35. In accordance with its decision taken at Lake Success, the Committee devoted its sixth meeting to the reception of factual information presented by representatives of the Government of Palestine, Sir Henry Gurney, Chief Secretary, and Mr. D. C. MacGillivray. At the request of the witnesses, and in view of the situation prevailing in Palestine, the meeting was held in private.

36. Representatives of the Jewish Agency for Palestine, Mr. M. Shertok and Mr. D. Horowitz, were given an opportunity at the eighth meeting to present their views on *A Survey of Palestine* published by the Government of Palestine and to give information similar to that submitted at the sixth meeting by the Government officials.

37. At its tenth meeting, the Committee considered that a sufficient number of requests for hearings had been received to justify the nomination of a sub-committee to deal with the matter. Accordingly, Sub-Committee was constituted comprising the representatives of Australia, the Netherlands, Uruguay and Yugoslavia together with the Personal Representative of the Secretary-General. Dr. N.S. Blom, representative of the Netherlands, was elected Chairman. The Sub-Committee held two meetings on 24 and 25 June, and presented to the Committee at its thirteenth meeting recommendations as to (a) the criteria by which hearings should be granted and (b) a list of organizations and individuals who should be heard on the basis of these criteria. These recommendations were approved with minor changes.21/

38. This Sub-Committee presented three more reports,22/ including recommendations. On the basis of these reports and after having considered directly a number of applications for hearings, the Committee decided to grant hearings in Jerusalem to the Government of Palestine, to the Jewish Agency for Palestine, to a number of other Jewish organizations and religious bodies, and to Dr. Chaim Weizmann in his personal capacity.23/

39. Upon the suggestion of some members of the Committee that the opinions of the Arab States be heard, the Committee resolved to invite the Arab States to express their views on the question of Palestine.

40. It was decided that a letter should be addressed to this effect by the Personal Representative of the Secretary-General to the consular representatives in Jerusalem of Egypt, Iraq,

Lebanon, Saudi Arabia, Syria, and Transjordan, and to the Government of Yemen through the Consul General of Lebanon.24/ To the Arab States in conference among themselves was left the choice of a time and place mutually convenient to them and to the Committee.

41. Letters of acceptance were received from Egypt, Iraq, Lebanon, Saudi Arabia and Syria with the information that Beirut had been designated as the place of meeting.25/

42. The Consul General of Transjordan replied for his Government that, since Transjordan was not a Member of the United Nations, it was not prepared to send a representative outside the country to give evidence, but that it would welcome the Committee or any of its members who might wish to pay a visit for that purpose to Transjordan.26/

43. Having taken note of this communication, the Committee determined at its thirty-fourth meeting to inform the Consul-General of Transjordan that it regretted the decision of his Government not to send a representative to Beirut; that the Committee, owing to the pressure of time, could not go at that time to Transjordan; and that it would inform the representative of Transjordan in Beirut whether, upon the completion of work there, it would be able to go to Amman.

44. In addition to the oral testimony, a large number of written statements27/ were received by the Committee in accordance with its request for such statements from the organizations which had asked to be heard in New York, and as a result of the invitation, made public in Palestine by the Committee prior to its arrival there, to submit written testimony.

#### (e) COMMUNICATIONS AND PETITIONS

45. The Committee received a large volume of communications making requests for assistance or intervention. At the twentieth meeting, the Committee was informed of a number of petitions for its assistance in obtaining immigration certificates and for its intervention in securing the release of prisoners or detainees. It was decided that, in general, such requests should be answered in the negative with the statement that it was not within the competence of the Committee to intervene in such cases.

46. Subsequently, at the twenty-third and twenty-fifth meetings, the Committee was confronted with additional requests of a similar nature for assistance. It was also confronted with appeals for it to investigate prison conditions, to inquire into the methods of the British police,

and to examine the conditions of the Jews in Yemen and the plight of refugees in Aden. Again, it was concluded that these petitions fell outside the Committee's terms of reference.

47. Among the communications considered at the twenty-third meeting were three appeals from organizations composed of illegal immigrants who had been apprehended and deported to Cyprus and who were now awaiting their turn to enter Palestine under the immigration quotas<sup>28/</sup> The argument advanced by the members of the Committee who favoured a visit to Cyprus was that, although the Committee could not take action for the liberation of the detainees, it could investigate the conditions under which the detainees were living. Other members expressed the opinion that these conditions were well known and that, in any case, a possible visit of the Committee to the displaced persons' camps in Europe would be sufficient to acquaint it at firsthand with camp conditions. These members also pointed out that only a short time was left to the Committee to complete its work.

48. After discussion, it was decided, by a vote of six to three, with two abstentions, not to make a visit to Cyprus. The request of the Cyprus detainees that they be permitted to send representatives to Jerusalem to give evidence was also rejected; there were four votes in favour and five against, with two abstentions.

(f) ACTION OF THE COMMITTEE WITH REGARD TO THREE DEATH SENTENCES

49. Among the petitions received by the Committee was one addressed to the Chairman by the relatives of three young men sentenced to death by the Military Court of Jerusalem on 16th June. The Committee was appealed use its good offices in order to secure a commutations of the sentences<sup>29/</sup>

50. Considerable discussion ensued on this question during the ninth, tenth, eleventh and twelfth meetings. In the course of this discussion, several arguments were advanced in favour of and against granting the request contained in the letter, and concerning what would be the best procedure to adopt in either case.

51. The main arguments which prevailed among those so presented may be summarized as follows:

(a) It was beyond the terms of reference of the Committee to interfere with the judicial administration in Palestine.

(b) The Committee should, however, take some step not implying such interference in order to point out that the carrying out



of the death sentences might have repercussions upon the task entrusted to the Committee; this action should be taken as soon as possible because the sentences could be carried out :it any moment in view of the existence of certain emergency defense regulations,30/ recently issued.

(c) Resolution 107 (S-1)31/ adopted by the General Assembly for the purpose of avoiding increasing tension in Palestine provided sufficient basis for action of the nature envisaged.

(d) Concerning procedure, the best thing to do would be to follow the precedent established by the mandatory Power when it addressed a communication to the Secretary-General of the United Nations32/ for transmission to other Governments requesting their cooperation in the discouragement of illegal immigration into Palestine while the question remained *sub judice* by the United Nations Special Committee.

52. These prevailing arguments found expression in two documents adopted by the Committee at its twelfth meeting a resolution33/ and a letter of reply to the petitioners.34/

53. The resolution (approved by a vote of nine to one, with one abstention) stated that the majority of the members of the Committee expressed their "concern as to the possible unfavourable repercussions" that execution of the three death sentences might have upon the fulfilment of the Committee's task. The resolution proceeded to point out that, in view of the opinion of the majority as to the scope of the resolution passed unanimously by the General Assembly (requesting that "all Governments and peoples" refrain, pending action by the Assembly on the report of the Special Committee, from "the threat or use of force or any action which might create an atmosphere prejudicial to an early settlement of the question of Palestine") this concern should be communicated to the mandatory Power, through the Secretary-General of the United Nations, together with the text of the letter received from the relatives of the condemned persons. Prior to the vote on the resolution as a whole, three members had indicated by a negative vote that they dissented from expressing concern.

54. The letter which the Committee (by a vote of eight to three) agreed to send to the relatives of the condemned persons stated that after having considered their appeal with a full appreciation of their anguish, the Committee had determined that interference with the judicial administration in Palestine was beyond its instruction and function; but that having regard in the circumstances to the task of the Committee, the matter was being brought to the attention of the proper authorities.

55. At its next meeting (the thirteenth), the Committee was apprised of a letter from the Chief Secretary of the Government of Palestine pointing out that the death sentences had not been confirmed, and maintaining that the matter was still *sub judice* and should not be subject to public comment.35/

56. The Committee adopted the motion of one of the members who stated that, although he did not accept the legal contention in the Chief Secretary's letter that the matter was still *sub mdice*, he felt that no useful purpose would be served by a further discussion and therefore asked that the matter should be considered closed.

57. The Committee also received at its twenty-fifth meeting a telegram<sup>36/</sup> dated 30 June from the Secretary-General forwarding the text of the reply of the United Kingdom Government to the above resolution of the Committee. The reply reiterated the contention of the Palestine authorities that the sentences were still *sub jidice*: that if the sentences were confirmed, by the General Officer Commanding the High Commissioner could still exercise the royal prerogative of pardon; and that it was "the invariable practice" of His Majesty's Government not to interfere with the exercise of this discretion. The United Kingdom Government could not admit the relevance of the General Assembly resolution. In its view, that resolution applied to "action calculated to disturb the peace in Palestine," and was not applicable to the normal processes of the administration of justice in Palestine.

58. The Committee was of the opinion that there was no need to take up the matter again.

(g) EXPRESSION OF CONCERN OVER ACTS OF VIOLENCE

59). At the fourteenth and fifteenth meetings, the members of the Committee discussed their concern over the acts of violence committed since the arrival of the Special Committee in Palestine, and recorded<sup>37/</sup> their sense that such acts constituted a flagrant disregard of the appeal made in resolution 107 (S-1) of the General Assembly of 15 May 1947.

*Work of the Committee in Beirut*

60. The thirty-eighth (public)<sup>38/</sup> and thirty-ninth (private) meetings in Beirut were devoted to hearing the views of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria, and Yemen on the Palestine problem.

61. At the fortieth meeting, it was decided to refuse the application of a private person for hearing, since the

Committee had come to hear the views of the Arab States and not of private individuals.

62. The Chairman and seven members of the Committee, in their private capacities, went to Amman for a brief visit on 25 July after the completion of the Committee's work in Beirut.

#### *Work of the Committee in Geneva*

##### *(a) HEARINGS AND PETITIONS*

63. The Committee decided at the first meeting in Geneva (the forty-first) to refuse a request for hearing, and deferred the question of whether to ask the mandatory Power to give additional oral information. Upon receipt of a letter from the mandatory Power concerning the presentation of further evidence to the Committee, it was affirmed at the forty-fourth meeting that no action should be taken at the time. At the forty-fifth meeting, it was decided that other requests for hearings should be refused.

64. The Committee received a number of petitions asking intervention on behalf of a group of illegal immigrants who had been apprehended and transported in British ships from Palestine to Port de Bouc, France, where they refused to disembark. The Committee agreed that it had no authority to intervene.

##### *(b) VISIT TO DISPLACED PERSONS CAMPS*

65. At the first meeting in Geneva, the Committee also took up the question of a visit to displaced persons camps, a matter which had already been discussed in both Lake Success and Jerusalem, but upon which decision had been deferred. The discussion was continued to, the next meeting, at which a representative of the Preparatory Commission of the International Refugee Organization appeared before the Committee to describe activities in the resettlement of displaced persons, and to answer questions regarding Jewish displaced persons in particular.

66. The Committee was divided on the question of principle involved in such a visit. Some members expressed the view that the visit was unnecessary. It was common knowledge that the people in the camps wanted to go to Palestine, and the Committee could add no new facts. Others felt that the Committee should inspect the camps because it was obliged by its terms of reference to do so. The view was expressed by two members that it was improper to connect the displaced persons, and the Jewish problem as a whole, with the problem of Palestine; a third felt that the Committee's work had not yet

reached a stage in which this relationship had become clear. A number of members indicated that they would not oppose a visit.

67. After this discussion the Committee voted (six in favour, four against, with one abstention) that a visit should be made to displaced persons camps. It was determined that the subcommittee dealing with this matter (Sub-Committee 3) should be composed of either the principal or alternate representatives of ten of the eleven members of the Special Committee, so as to permit the work in Geneva to be continued in the absence of the Sub-Committee.

68. Sub-Committee 3 held two meetings on 31 July and 1 August. At the first meeting, Mr. J. D. L. Hood, the representative of Australia, was elected Chairman. The Sub-Committee proposed for the consideration of the Committee drafts of an itinerary and terms of reference, which were subsequently adopted at the forty-fourth meeting. The terms of reference read as follows:

"The Sub-Committee shall visit selected representative assembly centres for Jewish refugees and displaced persons in Germany and Austria, with a view to ascertaining and reporting to the Committee on the attitude of the inmates of the assembly centers regarding resettlement, repatriation or immigration into Palestine."

69. From 8 to 14 August, Sub-Committee 3 visited a number of these assembly centers in Germany and Austria. Its report<sup>39/</sup> was approved at the forty-fifth meeting, at which it was further decided that it should be attached as an annex to the report of the Committee.

(c) RELIGIOUS INTERESTS AND THE HOLY PLACES;

#### THE STATUS OF JERUSALEM

70. A special sub-committee (Sub-Committee 4), consisting of the eleven alternate representatives, was constituted to study the question of religious interests and Holy Places. The status of Jerusalem was also referred to this Sub-Committee.

71. The Sub-Committee met under the chairmanship of Mr. A. I. Spits (Netherlands). It proposed that certain stipulations relating to the Holy Places and religious and minority rights should be inserted in the constitution (s) of the State (s) which would be created. Such stipulations have-with various amendments been inserted in the two plans which are submitted to the General Assembly.

72. The recommendations regarding the creation of a "City of

Jerusalem" which will be found in the plan of the majority were inspired by proposals made in the same Sub-Committee by the representatives of Canada, the Netherlands, Peru and Sweden. The representatives of India, Iran, and Yugoslavia disagreed with these recommendations. Reservations made in the Sub-Committee by the representatives of Czechoslovakia, Guatemala and Uruguay were later withdrawn, and the amended text of the recommendations on the City of Jerusalem has been inserted in the plan submitted by the majority of the Committee.

(d) PREPARATION OF THE REPORT

73. At the forty-second meeting, the Chairman and two members presented suggestions as to the working programme of the Committee for the preparation of the report. After informal consultation, they presented at the next meeting a memorandum on the future work-programme of the Committee which combined their proposals, and which was adopted with some amendments. It was decided also that informal memoranda might be submitted by representatives or members of the Secretariat as the basis for discussion of each point contained in the work-programme.

74. At the suggestion of one of the members, it was agreed to have informal exchanges of views in lieu of formal meetings to facilitate the preliminary work. A number of informal talks ensued at which the members of the Committee attempted to ascertain their field of agreement on the important aspects of the Palestine problem.

75. At the forty-seventh meeting, a record vote was taken upon the two proposals which had emerged from the informal discussions and from three working groups which had been formed when two constitutional plans were introduced. Three members (the representatives of India, Iran, and Yugoslavia) placed themselves on record as favouring a federal State plan. Seven voted against, with the representatives of Australia abstaining. Seven members (the representatives of Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden, and Uruguay), while reserving their positions on boundaries and on the status of Jerusalem, voted in favour of the principle of partition with economic union. Three members voted against, with the representative of Australia abstaining. After further discussion, agreement was later reached on both outstanding questions among the seven members supporting the plan of partition with economic union.

76. As a result of the discussions of the working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as was evidenced in the forty-seventh meeting of the Committee. On the basis of this measure

of agreement, a drafting sub-committee was appointed to formulate specific texts.

77. In the course of its forty-ninth meeting on 29 August 1947, the Committee considered the report of the drafting sub-committee and unanimously approved eleven recommendations to the General Assembly, the texts of which appear in Chapter V of this report. A twelfth recommendation was made with two dissenting votes.

78. At the fiftieth and fifty-first meetings, the texts of the preface of the report and of two of the four chapters setting out the Committee's findings of fact were approved. (The other chapters had been approved at previous meetings, except for the last section of Chapter I.)

79. Finally, at the fifty-second meeting, the representatives appended their signatures to the approved text of the report and to the covering letter to the Secretary-General.

80. The representatives also recorded their appreciation for the assistance in the furnishing of information necessary to their full understanding of the situation in Palestine, as well as for the attention to their personal convenience in carrying out their inquiry which were so freely given them while they were in Palestine by H. E. Sir Alan Cunningham, the High Commissioner of Palestine, and the officials of the Palestine administration. To the Government of Lebanon, the representatives recorded their appreciation for the mistimed hospitality extended to them during their stay in that country.

81. At this final meeting, too, the Committee also recorded that it had had in its work the assistance of a competent and diligent Secretariat under the direction of Dr. Victor Hoo, the Personal Representative of the Secretary-General, and Dr. Alfonso Garcia Robles, Principal Secretary. The Committee expressed its deep appreciation for the unremitting and invaluable labours of the Secretariat in organizing and coordinating the Committee's activities, in furnishing research and technical data, in lending assistance at its meetings, and in cooperating in the preparation of this report.

## **CHAPTER II**

### **THE ELEMENTS OF THE CONFLICT**

#### **A. GEOGRAPHIC AND DEMOGRAPHIC FACTORS**

##### *Physical features*

1. The total land area of Palestine is estimated to be about 26,000 square kilometres or a little over 10,000 square miles,<sup>40</sup> but about half of this area is uninhabitable desert.

2. Situated at the cross-roads between Europe, Asia and North Africa, however, this small territory enjoys a geographical position from which it has derived, during much of its turbulent history, the ill-matched gifts of political strife and economic advantage.

3. The geographical and topographical conditions of Palestine are an important element in its problem, and it is vital, therefore, to grasp their main features. On the west, stretching from the Mediterranean Sea, is the coastal plain, very narrow in the north but widening considerably further south, although at no point more than some twenty miles in width. This plain is broken into two parts by a narrow spur of hills pointing like a finger towards the town of Haifa from the direction of the south-east.

North of Haifa is the small coastal plain of Acre, and to the south is the more extensive maritime plain. Reaching inland to the north of Mount Carmel near Haifa are the broad inland plains of Esdraelon and Jezreel breaking into the upper Jordan Valley south of the Sea of Galilee. In the Huleh Valley to the north of the Sea of Galilee is a stretch of unreclaimed swamp.

Apart from these inland plains in the north and portions of the desert area in the south, the interior of the country is very mountainous with the hills of Judea and Samaria in the centre and the hills of Galilee in the north. These hills fall away in the east to the rift-valley of the River Jordan, which marks the eastern boundary of Palestine with the State of Transjordan and which, starting from the borders of Syria and Lebanon with Palestine, flows through the Sea of Galilee to empty itself in the waters of the Dead Sea, some 1,200 feet below sea level. To the south is the vast area of the Beersheba district, which is arid, semi-desert, supporting at present a very small settled population and about 90,000 Bedouin nomads. As the annual rainfall diminishes further to the south, this merges into the Negeb proper a wild confusion of limestone hills, practically rainless and almost without life.

#### *Water resources*

4. Along the whole western limits of Palestine lies the Mediterranean Sea from which, by the natural processes of evaporation and precipitation, the country receives its most valuable commodity—water. The heaviest precipitation is over

the coastal plain and in the northern and central hills, where it is sufficient to support permanent agriculture. Over the Jordan Valley and further south in the Beersheba area, the rainfall is too small for summer crops unless the land is watered by irrigation. Under natural conditions even winter crops are subject to frequent failure in these regions. In the circumstances, it is not surprising to find the population distribution in Palestine coinciding very closely with rainfall distribution, if some allowance is made for the fact that the plains are, for other reasons, more favourable to dense settlement than are the hills.

5. Broadly speaking, any further considerable development of agriculture in Palestine must rely upon a more intensive use of the land by irrigation, rather than upon an extension of the area of cultivation. Climatically, the most striking feature of Palestine is the regular recurrence of winter rain followed by a prolonged summer drought. Where irrigation is possible, the soil can generally be made to produce crops intensively all the year round. Moreover, the climate is suitable for the production of a wide variety of vegetables and fruits ranging from sub-tropical products, which can be produced in the Jordan Valley, to the products of temperate climates. This possibility of a great variety of agricultural production is a fact of considerable economic importance. Under natural conditions, however, summer cropping depends on the amount of moisture that can be conserved during the rainy season by repeated ploughing of the bare fallow.

6. Irrigation has been greatly developed in recent years, and the limits of development have by no means been reached. Nevertheless, its extension on a considerable scale presents difficulties of cost and of water supply, for Palestine, unlike Egypt, has no great river flowing through its territories carrying water from catchment areas beyond its own boundaries. It depends upon the annual precipitation within its own boundaries and in the Syria-Lebanon catchment-area, from which the Jordan is partly fed at its source.

7. The major sources of water available for irrigation are springs and rivers, wadi storm water and underground water from wells and boreholes. The Government of Palestine has recently estimated the total volume of water available annually for new exploitation as follows:41/

	Dry year	Average year	Wet Year
	(Millions of cubic metres)		
Springs and Rivers	800	1,000	1,500



Wadi storm	100	500	1,200
Underground water	200	200	200
<b>TOTAL</b>	<b>1,100</b>	<b>1,700</b>	<b>2,900</b>

8. Somewhat higher estimates of available water supplies are given by the Jewish Agency and are implied in the over all irrigation scheme of Hays and Savage which, in its complete form, provides for an annual supply of nearly 2,000 million cubic metres of water actually reaching the fields. Perhaps the most that can be said at present is that government estimates are based on the most extensive information available, but may nevertheless be subject to revision in the light of further knowledge. There is, however, no disagreement on the fact that Palestine is not very bountifully supplied with water and that its continued development depends on making the most of what water there is.

#### *Other resources*

9. In the physical resources which are typically the basis of modern industrial development, Palestine is exceedingly poor, having neither coal, iron, nor any other important mineral deposit. Indeed, the only considerable non-agricultural resources are the potassium and sodium salts which are extracted from the Dead Sea.

There are ample supplies of certain building materials in the form of stone and lime from which cement is manufactured. Oil, on which some people have set hopes, has not been discovered in payable quantities, though tests are still proceeding in the south. For its present supplies of fuel, Palestine is entirely dependent on the oil which comes to the Haifa refineries via the pipeline from the oil fields of Iraq.

#### *Population*

##### (a) POPULATION STATISTICS

10. There have been two censuses of population in Palestine, in 1922 and in 1931. In 1936, in 1941 and again in 1946, the Government had made all preparations for a census, but political disturbances caused them to be postponed. There are, however, records of births and deaths for the whole population except the small Bedouin group living as nomads in the semi-desert areas of the south. On the basis of these figures, estimates of the total population and of its quantitative distribution according to various classifications are made by the government statistician at regular intervals. The population statistics of Palestine, compiled in this manner,

are considered to be fairly accurate; but there is a margin of error which tends to increase as the census year on which the calculations are based becomes more remote. Only a new census can test the accuracy of these estimates.

11. The most striking demographic features of Palestine are, first, the rate at which the total population has grown in the last twenty-five years; second, the manner in which the proportions of the two major national groups, the Arabs and Jews, have changed; and third, the relative importance of immigration and rate of natural increase in their effect on the total population and on the proportion of Jews to Arabs. These are the essential and dynamic elements of what is, in detail, a very complicated matter. In addition, it is important to consider briefly the present regional distribution of the population.

12. The total settled population of Palestine at the end of 1946 was estimated to be nearly 1,846,000.<sup>42/</sup> This is nearly three times the total population as revealed by the census of 1922 or, more exactly, an increase of 184 per cent. In greater detail, the population growth since 1922 has been as follows:

*Population of Palestine by religions<sup>43/</sup>*

	<i>Moslems</i>	<i>Jews</i>	<i>Christians</i>	<i>Others</i>	<i>Total</i>
1922	486,177	83,790	71,464	7,617	649,048
1931	493,147	174,606	88,907	10,101	966,761
1941	906,551	474,102	125,413	12,881	1,518,947
1946	1,076,783	608,225	145,063	15,488	1,845,559

13. Since the main lines of conflict in Palestine are between Jews and Arabs as conscious national groups, it is of some importance to distinguish the population according to this classification. On this basis, the population at the end of 1946 was estimated as follows:

Arabs, 1,203,000; Jews, 608,000; others, 35,000; Total, 1,846,000.

14. It will have been noticed that not only has there been a remarkably rapid increase in the total population of Palestine but also the proportion of Jews in the total has greatly increased, from 12.91 -per cent in 1922 to 32.96 per cent in 1946. Conversely, of course, the Arab proportion has fallen since 1922. The Moslem proportion of the population (almost entirely Arab) has fallen from about 75 per cent of the total to 60 per cent, and the Christian proportion (very largely Arab) from 11 per cent to 8 per cent. Thus, at the present time about one-third of the total settled population is Jewish.

(b) IMMIGRATION AND NATURAL INCREASE

15. These changes in the population have been brought about by two forces: natural increase and immigration. The great increase in the Jewish population is due in the main to immigration. From 1920 to 1946, the total number of recorded Jewish immigrants into Palestine was about 376,000, or an average of over 8,000 per year. The flow has not been regular, however, being fairly high in 1924 to 1926, falling in the next few years (there was a net emigration in 1927) and rising to even higher levels between 1933 and 1936 as a result of the Nazi persecution in Europe. Between the census year of 1931 and the year 1936, the proportion of Jews to the total population rose from 18 per cent to nearly 30 per cent.

16. The Arab population has increased almost entirely as a result of an excess of births over deaths. Indeed, the natural rate of increase of Moslem Arabs in Palestine is the highest in recorded statistics,<sup>1</sup> a phenomenon explained by very high fertility rates coupled with a marked decline in death rates as a result of improved conditions of life and public health. The natural rate of increase of Jews is also relatively high, but is conditioned by a favorable age distribution of the population due to the high rate of immigration.

(c) FUTURE TRENDS

17. These are dynamic elements in the problem of Palestine which have consequences for the future, and any consideration of the Palestine question must take them as fully into account as is possible.

18. Estimates of future population trends for Palestine have been made by Mr. P. J. Loftus, the government statistician, and published in volume III of *A. Survey of Palestine*. This is the most complete demographic study that has yet been made of Palestine. In qualitative terms the main conclusions may be summarized as follows:

(1) The Arab population (particularly the Moslem Arabs) of Palestine will continue to grow rapidly, owing to high fertility and falling mortality rates. The conditions making for a high fertility rate are not likely to change greatly in the immediate future.

(2) Apart from immigration, the Jewish population will increase more slowly owing to a fertility rate which is already lower than that of Moslems and is considered likely to fall. The reduction in the death rate of the Jewish population is also likely to be less than the reduction in the Arab rate,

since the Jewish mortality rate is already low.

19. In quantitative terms calculated on the basis of the most probable assumptions suggested by a close study of the present demographic situation, Mr. Loftus calculates that by 1960, if assuming that there were no immigration, the population of Palestine would be as follows:

	Estimated population of Palestine in 1960				
	Moslems	Jews	Christians	other	Total
1946 (actual)	1,076,783	608,225	145,063	15,481	1,845,559
1960 (estimated)	1,533,000	664,000	176,000	21,000	2,394,000

Thus, according to this estimate, the population of Palestine would increase 30 per cent in fourteen years, assuming no immigration took place, and the Jewish population would decline from about 31 per cent of the total to 28 per cent.

#### (d) DISTRIBUTION OF POPULATION

20. This potential increase of population in Palestine, independently of immigration, should be considered in relation to the area and resources of the country. Arithmetical density of population (i. e., the average number of persons per unit area of land) is by no means a reliable guide to the ability of an area to support a larger population without a fall in the standard of living. However, it is not without significance if considered in relation to other physical resources. At the end of 1944, Palestine had a population density of 174 persons to the square mile (67 per square kilometre) of land area. Excluding the Beersheba area, which is semidesert, and nearly half the total land area, the density rises to 324 per square mile (125 per square kilometre). This latter figure is a higher density than that of Switzerland and slightly lower than that of Italy. There are, of course, countries with much higher densities of population, but these are either agricultural populations with very low standards of living, as in parts of India, or else highly industrialized countries dependent upon their industrial resources. In this latter connexion, it must be recognized that Palestine does not contain within its own borders any of the basic raw materials of modern industry.

21. The regional distribution of the population of Palestine is of great significance for the Palestine problem. The heaviest concentration is along the whole coastal plain from the Gaza area to Haifa. Galilee, the plain of Esdraelon and the inland area of the Jerusalem sub-district are also fairly thickly populated. The central hill country north of Jerusalem comprising the districts of Ramallah, Nablus, Jenin and Beisan is considerably less thickly peopled, while to the south of the Jerusalem district in Hebron, and especially in Beersheba, the population becomes extremely sparse. In the vast area of the Beersheba sub-district, however, there are about 90,000 Bedouin nomads.

22. There is no clear territorial separation of Jews and Arabs by large contiguous areas. Jews are more than 40 per cent of the total population in the districts of Jaffa (which includes Tel Aviv), Haifa and Jerusalem. In the northern inland areas of Tiberias and Beisan, they are between 25 and 34 per cent of the total population. In the inland northern districts of Safad and Nazareth and the coastal districts of Tulkarm and Ramie, Jews form between 10 and 25 per cent of the total population, while in the central districts and the districts south of Jerusalem they constitute not more than 5 per cent of the total.

23. Thus, though the main concentration of Jewish population is on the coastal plain, the Jerusalem area and the northern uplands, there is a considerable concentration of Arabs, even in these areas, since these are the most populous parts of the country.

#### B. RELEVANT ECONOMIC FACTORS

24. The economy of Palestine presents a fascinating study, both because of its rapid development as an area of mass immigration and because of peculiarities in structure due to the lack of homogeneity between the two major elements of the population. In addition, the economic life of Palestine has more recently been subject to the quickening and disturbing influence of an enormously increased demand arising from wartime and post-war military expenditure.

##### *The two economies*

25. Although the total population of Palestine is less than two million, its economic life presents the complex phenomenon of two distinctive economies one Jewish and one Arab—closely involved with one another and yet in essential features separate. Apart from certain parts of the country which are predominantly Jewish and others which are predominantly Arab in population, this "economic" separateness<sup>44</sup> of the two

communities does not correspond to any clear territorial divisions. It finds its expression in certain facts which may be briefly summarized as follows:

(1) Apart from a small number of experts, no Jewish workers are employed in Arab undertakings, and apart from citrus groves (where some Arabs work as seasonal labourers on Jewish farms), very few Arabs are employed in Jewish enterprises. Indeed, government service, the Potash Company and the Oil Refinery are almost the only places where Arabs and Jews meet as coworkers in the same organizations.

(2) There are considerable differences between the rates of wages for Arab and Jewish workers in similar occupations, in the size of investment, and in productivity and labour costs which can be explained only by lack of direct competition between the two groups.

(3) Arab agriculture is based to a considerable extent on cereal production, and tends to be subsistence farming. Only about 20 to 25 per cent of Arab agricultural production (excluding citrus) is marketed; Jewish agriculture, on the other hand, is largely intensive and cash-crop farming. About 75 per cent of Jewish agricultural production is sold on the market. It is marketed mainly through Jewish marketing organizations to Jewish retailers.

(4) The occupational structure of the Jewish population is similar to that of some homogeneous industrialized communities, while that of the Arabs corresponds more nearly to a subsistence type of agricultural society.

26. It must not, however, be supposed that Jews and Arabs in Palestine are not mutually interdependent in their economic life. Under the Mandate, there has been a unified administration, internal freedom of trade, a common transport system, a single currency and some development of public services in the interests of the population as a whole; and it is within this general framework that the differences of economic life between Jews and Arabs in other respects must be viewed. Moreover, the great investment of capital associated with Jewish immigration has, in developing the Jewish economy, profoundly affected Arab life, increasing money incomes and the extent to which Arabs have become concerned with an exchange economy. Competition and a sense of pride on the part of the Arabs have also had their share in raising Arab standards of living. Nevertheless, the economic relations between the two groups have something of the character of trade between different nations. As consumers, their separateness is less marked, but as producers (with the main exception of the citrus industry) they maintain a degree of

separateness unyielding, thus far, to the pressure of the economic forces which might have been expected to bring about a greater degree of homogeneity. When all this is considered, it is not the few instances of the submergence of differences between Arab and Jew in common economic interests which are remarkable, but the fact that such instances are so few as to be unusual.

### *Agriculture*

#### (d) THE MAIN FEATURES

27. Palestine is still mainly an agricultural country since about 65 per cent of the population gain a living directly from agriculture. Nevertheless, the country is not self-sufficient in food and is especially deficient in cereal production, about 50 per cent of its cereals being supplied by imports. According to government estimates, most of the land capable of being cultivated by present methods is under crops, and any considerable development depends on more advanced methods of farming and, more particularly, on more extensive irrigation. Jewish authorities claim, however, that government estimates are too conservative.

28. Despite its small area the country enjoys, owing to its topographical peculiarities, wide variations both of climates and soils which permit the production of a wide range of crops. The most important crops are citrus, cereals, olives, grapes, vegetables and tobacco. Citrus is the main export crop; before the trade was interrupted during the war it accounted for 80 per cent of the total value of exports. Under the stimulus of wartime demand, there was a considerable increase in the production of vegetables. Potato production in particular has been successfully developed.

#### (b) JEWISH AND ARAB AGRICULTURE

29. Apart from citrus production, which is approximately equally shared between Jewish and Arab cultivators, there are marked differences between Jewish and Arab agriculture. Arab cultivators produce over 80 per cent of the total cereal crops and more than 98 per cent of the olives. Jewish agriculture, however, is mainly devoted to mixed farming and is for the most part cash farming, about 75 per cent of the produce being sold on the market. The majority of Arab cultivators, on the other hand, are to a greater extent self-sufficient and retain on the average about 75 per cent of their total production for their own consumption. Naturally, these somewhat different aims of Arab and Jewish cultivators find an expression in different methods of farming and in different attitudes to the problems of rural life. For, although Arab cultivators are

influenced, and increasingly so, by the money incentives of the market, they have the strong urges of all such partly self-sufficient producers to maintain their traditional methods and habits of life.

30. Jewish agriculture, on the other hand, is on the whole progressive, scientific and experimental. It is being increasingly developed in the direction of mixed farming and in very large part serves the needs of urban populations. It is highly organized not only in respect of production through the three hundred or so communal and co-operative settlements, but also in respect of the "Tnuva" and other co-operative organizations through which its products are marketed.

31. The Jews have brought to agriculture in Palestine both capital and skill which together have had a profound effect on the country, transforming some of it from waste and neglected land to fruitful ground, so that it may truly be said that they have made "the desert blossom as the rose." In this enterprise they have been impelled by the force of an ideal which has come to realization in the communal, co-operative and individual settlements. These have increased from five in 1882 to over 300 to day with a population of well over 150,000. Although the individual and co-operative settlements together considerably outnumber the communal settlements (*kibbutzim*), it is these latter which perhaps most completely express the spirit of sacrifice and co-operation through which this has been achieved.

#### (c) AGRICULTURAL METHODS

32. Palestine is an area of winter rainfall and summer drought, and agriculture in Palestine is dominated by that fact. Summer crops are possible under natural conditions only in regions where the rainfall is sufficient for the ground to retain moisture during the summer months; this fact as a rule necessitates ploughing the bare fallow in the winter months. Where land can be irrigated, the soil is usually capable of being intensively cultivated all the year around, and Jewish agriculturists have given much attention to the problems of irrigation. But where irrigation is not possible for reasons of cost or for lack of water, improvements in output can be obtained only by improvements in farming methods within the general framework of "extensive" farming. There 'is room for such improvement, particularly in regard to land reform which would consolidate divided holdings and such land as is held in common and distributed every two or four years among the tenants. Both these systems of tenancy are bad for farming practice and, in these and other respects, the complicated land laws and customs of Palestine require some reform. Nevertheless, it must not be considered that Arab agriculture'



in Palestine is on a very low level. Within the range of these customs and technical knowledge, it is adapted to the conditions of climate and soil. Moreover, there has been considerable improvement in later years, partly as the result of the great development in Jewish agriculture and partly as the result of the increase in prices of agricultural products during and since the war. The production of vegetables by Arab cultivators has greatly increased recently; and all though the yields of Arab farmers are lower than those of Jewish cultivators, their production costs also are often lower.

(d) RECENT TRENDS IN JEWISH AND ARAB AGRICULTURE

33. The general nature and relative importance of Arab and Jewish agriculture are summarized in the following table for the year 1944-1945.

*Value of agricultural production from main groups of crops in the season 1944-1945, distinguishing between Arab and Jewish cultivation<sup>45/</sup>*

	Jewish (Palestine pounds)	Arab	Total
Grains	497,048	4,403,409	4,900,457
Vegetables	1,745,870	5,113,553	6,859,423
Fodder	951,178	156,847	1,108,025
Fruits (excluding citrus)	1,379,620	3,139,374	4,518,994
Olives	53,235	3,320,320	3,373,555
Melons	83,975	969,630	1,053,605
TOTALS	4,710,926	17,103,133	21,814,059

34. During and since the war, there has been a rapid development of production in certain fields of agriculture. Vegetable production in particular has greatly increased, from 129,000 tons in 1939 to 245,000 in 1945. Grain production, on the other hand, has not expanded, fluctuations in output being mainly explained by weather conditions. Thus, in 1939 grain production was estimated at 242,000 tons, and in 1945 at 209,000. There has also been a steady increase in the output of fruit (excluding citrus), from 131,000 tons in 1939 to 174,000 in 1945.

35. Both Jewish and Arab cultivators have greatly benefited from the rise in agricultural prices since the beginning of the war. The only exception to this is in respect of the

citrus producers, since export was practically at a stand still. Citrus groves suffered in consequence from lack of attention, and the capacity of the industry has declined to some extent. The Government assisted citrus producers by advances of more than £.P. 3,250,000, and production is now rapidly moving towards the pre war levels. Ex ports in the 1945-1946 season were equal to more than 5 million cases valued at nearly £.P. 3,500,000 as compared with 15 million cases valued at about f.P. 4,500,000 in 1938-1939.

36. Since 1941, the citrus industry has been controlled by a Citrus Control Board consisting of three official members and eight producer members, Jew and Arabs. In 1941 it was decided also to set up a Citrus Marketing Board of two official members and four other members chosen as representatives of the Jewish and Arab producers. This latter Board, which has had to handle the problem of surplus fruit due' to the loss of the export trade, has worked satisfactorily on the basis of equal export quotas to Jewish and Arab producers. The citrus industry is, in fact, the one considerable economic activity where Jews and Arabs are producing for the same market under similar conditions. Most of the producers are relatively small-scale producers and their identity of economic interest has, in the circumstances, provided a basis for co-operation.

(e) IRRIGATION AND LAND DEVELOPMENT

37. Any considerable development of agriculture in Palestine depends to a large degree on irrigation. The only extensive areas of good land which are undeveloped are the Huleh Valley in the extreme north-east and the very much more extensive semi-desert area of the northern part of the Beersheba sub-district. The former is a swamp which could be reclaimed by draining, and in respect of which a Jewish concession originally granted by the Turkish Government is in existence. The concession has been of no value, in part because it needs to be extended to a larger area to be made effective, and in part because of the interests of the Palestine Electric Company in the water-flow lower down the valley. Altogether, an area of 150,000 *dunams* (one *dunam* equals 1,000 square metres or about 1/4 acre) could be reclaimed.

As this is the area of the headwaters of the Jordan and borders on Syria and Lebanon, it is of great importance to the whole of Palestine in the event of any large-scale irrigation project based on use of the waters of the upper Jordan.

38. The semi-desert Beersheba area in the south has at present a settled population of 7,000 (mostly in the town of Beersheba) and about 90,000 nomadic Bedouins. The area has a good soil but insufficient rain to support a denser

population. It can only be developed by irrigation. There are small Jewish settlements in the south of this area (sometimes loosely described as the Negeb) which are at present experimental and based on water brought by pipeline at great cost from a considerable distance. The further development of this area remains, therefore, problematic, being dependent either on the discovery of nonsaline underground water at economical depths or the development of reservoirs to store the winter rainfall over fairly wide areas.38/

### *Industry*

#### (a) GENERAL DEVELOPMENT

39. Although Palestine is still in an occupational sense predominantly an agricultural country, industry has now emerged as the largest contributory to the natural income. There have been two major periods of industrial development in Palestine: the 1933 to 1939 period, when the dominant influence was the influx of refugee immigrants from Western Europe and particularly Germany, with capital and technical and managerial skill; and the 1941 to 1945 period, when the protection resulting from 'the closing of outside sources of supply and the great demands of the military authorities in the Middle East both contributed to an enormous stimulus.

40. Some idea of the magnitude of this development is provided by an estimate of Jewish capital invested in industry and of industrial equipment imported into Palestine. Between 1925 and 1929, it is estimated that £.P.47/ 1,000,000 of Jewish capital was invested in Palestine industry. The amount invested during the period 1930 to 1932 was £.P. 2,500,000; and the value of imports of industrial equipment over the same period was £.P. 606,000. During 1938 and 1939, the investment of capital was £.P. 7,000,000; and the value of industrial equipment imported was nearly £.P. 5,000,000. From 1940 to 1944, the investment of capital in industry was £.P. 6,000,000; and the value of imports of industrial equipment was just over £ P. 1,000,00048/

41. An index of employment in manufacturing industry in all communities shows the following trend:49/

1939	1942	1943	1944	1945
100	200	214	209	221

42. The industrial development is also reflected in the structure of imports in which raw materials play a greater,

and wholly manufactured goods a lesser, part. In 1939, raw materials and unmanufactured articles were 10 per cent of total imports, while wholly manufactured goods were 64 per cent. In 1946 raw materials were 32 per cent of the total, and manufactured goods 41 per cent.

#### (&) THE NATURE OF PALESTINE INDUSTRY

43. Palestine is not very favorably endowed for industrial production apart from its geographical location, which is of considerable importance in relation to the whole Middle East. It has no raw materials of any consequence apart from the Dead Sea minerals. Nevertheless, the influx of immigrants with developed tastes for a variety of consumer goods, and the development of electric power by the hydroelectric installation on the Jordan and by oil driven plants at Haifa and Tel-Aviv, provided an important foundation for the industrial development of the last fifteen years.

44. The most important industries are textiles, food production, chemicals and light metal industries producing a variety of products such as doors, window frames, household articles and a number of other products. During the war, there was an important development in diamond cutting and polishing as a result of the settlement in Palestine of skilled diamond cutters from Europe. This industry has become important in the export trade of Palestine; in 1946 the value of cut and polished diamonds exported was £.P. 5,500,000. The chemical industry, including the potash produced from the Dead Sea, is now relatively important, and is one of the industries which expanded rapidly during the war.

45. Broadly speaking, the industries which have taken root in Palestine are either consumption-goods industries, industries based to a great extent on the local market, industries whose location is not determined by the presence of raw materials but which depend on local skill as does the diamond industry, or in some few cases (as, for example, the potash industry and some food-processing industries) those which depend on local raw materials. It must be remembered that almost all these industries are small-scale enterprises.

46. According to the 1942 census of industry, 75 to 80 per cent of all persons engaged in industry were employed in Jewish-owned enterprises and about 90 per cent of the total number of workers in industry are Jewish. In the main, Jewish workers are employed in Jewish concerns and Arabs in Arab-owned industries, although there are a few exceptions to this. The most developed Arab industries are milling, tobacco manufacturing and some branches of the textile and metal trades. The purely Arab soap industry at Nablus is worthy of

mention since its products are bought by Moslems in countries outside Palestine. By and large, however, Arab industry in Palestine is much less developed and less capitalized than Jewish industry.

### **(c) THE CONCESSIONS**

47. Reference should be made to the electricity concessions, the Dead Sea concession and the oil concession. Electric power is supplied to Palestine by two companies, the Jerusalem Electric and Public Service Corporation and the Palestine Electric Corporation, which are operating under the terms of concessions, the former covering Jerusalem and the latter covering other areas in Palestine. The Palestine Electric Corporation is working two concessions: one granted to Mr. Phineas Rutenberg in 1921 for the purpose of utilizing the Auja basin for supplying electrical energy and for irrigation within the Jaffa district; and the Jordan Concession for the utilization of the waters of the River Jordan and its basin, including the Yarmuk River, for the purpose of supplying and distributing electrical energy throughout Palestine and Transjordan.

48. The Palestine Potash Company was granted a concession in 1930, for a period of seventy-five years, for the extraction of salts and minerals from the Dead Sea. The company is operating plants at the northern and southern extremities of the Dead Sea.

49. Concessions have been granted to the Anglo-Iranian Oil and to the Iraq Petroleum Companies to construct and operate pipelines to a terminal point on the Palestine coast at Acre Bay if practicable, with the right to load and unload oil within the oildock at Haifa harbour. The right to construct refineries at Haifa was also included, and the right was transferred by agreement to the Consolidated Refineries Limited, which established a refinery at Haifa in 1939.

50. The concession companies enjoy certain privileges, such as immunity from the customs duties on products imported for the work of the companies.

### *Foreign trade*

#### **(a) THE MAIN FEATURES**

51. The main features of the foreign trade statistics of Palestine which are relevant to an understanding of the present situation and future possibilities are: (1) the change in the volume and composition of foreign trade since 1939; (2) the large adverse balance of payments and dependence of capital imports; and (3) the trade relations of Palestine with

other Middle East countries.

52. From the beginning of the mandate until 1940, there was a great increase in the total foreign trade of Palestine. In 1922 total exports were f.P. 4,000,000 and total imports £.P. 5,700.000. In 1939 exports were £.P. 5,100,000 and imports £.P. 14,600,000. During the recent war, the values of imports and exports rose, largely owing the price increases. The volume of trade increased only in 1945 and still more in 1946. Developments since 1939 are summarized in the table below:

*Total imports and exports of Palestine<sup>50/</sup> by value in 1939, 1945 and 1946*

	1939	1945	1946
	(thousands of Palestine pounds)		
Imports	14,633	40,691	70,432
Exports	5,468	20,396	24,485
Excess of imports	9,165	20,295	45,945

53. During the war, the virtual cessation of citrus exports had a great effect on the structure of exports. This, however, was a purely temporary phenomenon, and it is evident that citrus exports will again become a dominant element in total exports. At the same time, with the greater diversity of economic activity in Palestine brought about as a result of wartime expansion, it is to be expected that Palestine will be able to export a greater variety of products, including some manufactured products. Indeed, there is a necessity for Palestine to increase its exports of such products if it is to maintain its high rate of imports.

#### (b) CAPITAL IMPORTS

54. Palestine depends on foreign trade to secure, by import, food (especially wheat, meat and cattle fodder), raw materials, machinery and equipment which have been and are essential to its development. The financing of these imports is covered only in part by exports. There remains, indeed, as a persistent feature, a remarkably large balance of imports over exports which is financed by imports of capital consisting mainly of funds coming from world Jewry, capital brought in by immigrants, and funds coming to religious institutions.<sup>50/</sup> During and since the war, there has also been

a very large military expenditure by the British Government. Largely as a result of this war expenditure, there are now sterling balances estimated to be about 125,000,000 pounds sterling, held mainly by private Palestine citizens.

(c) IMPORTANCE OF THE MIDDLE EAST

55. Owing to its position in the Middle East, the further economic development of Palestine depends to a considerable degree on increasing its trade with other Middle East countries. During the war there was a great increase in the proportion of trade with Middle Eastern countries to total trade. Although this trend was mainly influenced by transport difficulties and isolation from other markets, it is also a natural line of development for Palestinian trade. Its importance during and since the war is indicated by the fact that in 1939 only 17.7 per cent of Palestine's imports and 10 per cent of its exports represented exchanges with Middle Eastern countries, while in 1946 the percentages were 39 and 31 respectively. These proportions are partly influenced by the fact that exports to the United Kingdom were lower in 1946 than in 1939 on account of the temporary decline of citrus exports.

(d) THE ARAB BOYCOTT

56. In 1946 exports to Arab countries were adversely influenced by the boycott of Jewish products, Although it is not possible to determine how effective the boycott is, there can be no doubt that it could seriously hamper industrial development in Palestine if it were indefinitely maintained.

*The wartime inflation*

(a) THE MAIN CAUSES

57. In common with most countries, Palestine experienced considerable inflation during and since the war. The inflation in Palestine was greater than in the United States of America or Great Britain, but somewhat less than in some other Middle East countries. It was due, on the side of demand, to a large expansion of income and, on the side of supply, to an inability of output to respond to the increase in demand for consumer goods on account of (1) the cutting off of imports, (2) the diversion of local production to military needs, and (3) the limited capacity of agriculture to increase output in a short period. The extent of the inflation is indicated approximately by the cost of living index as follows:52/

*Cost-of-living index for Palestine for December of each year*

(Pre-war 100)

1940	1941	1942	1943	1944	1945	1946
131	166	211	230	238	252	275

58. The main cause of the increase in income was the military expenditure of the British Government, which was as follows:53/

1940	1941	1942	1943	1944	1945	1946
		(millions of Palestine pounds)				
8.5	20.7	25.4	31.5	25.0	24.3	23.5

59. When the war broke out, stocks of commodities in Palestine were fairly high and imports fell seriously only in 1941. By 1943 and 1944, military expenditure and the pressure of demand on the food supply reached a peak. There was a considerable expansion in the out-put of food and an increase in imports from Middle East countries at high prices, but this was not sufficient to prevent further fairly modest price rises. Since the war, the maintenance of military expenditure at the peak war rates has prevented the: level of incomes from falling, and although the supply situation has improved, owing to an increase in imports in 1946 and 1947, the increases in supply have not been, sufficient to prevent further price rises.

#### (b) WAGES AND PRICES

60. Wages in Palestine responded fairly quickly to increases in the cost of living as a result of the acute shortage of labour which developed. Wage increases took the form of increases in basic rates and allowances directly linked with the cost of living index. Thus, average industrial earnings between 1939 and 1945 increased in the case of Arabs by 200 per cent and, in the case of Jews, by 258 per cent. Earnings in some agricultural occupations increased even more than average industrial earnings, and in the construction trades the increase in earnings of unskilled workers between 1939 and 1945 was 405 per cent for Arabs and 329 per cent for Jews. On the whole, therefore, it seems that, despite the price increases, there was not much of a fall in real wages, while for some groups of workers real wages actually increased.

#### (c) AGRICULTURAL DEBT

61. One effect of the wartime price increases has been to relieve the cultivators of the burden of debt. An inquiry made before the war indicated that the average Arab cultivator was considerably burdened by debt, which in some instances



amounted to as much as the cultivator's total annual cash income. At the same time, the increased demand for labour offered an additional source of income; in consequence, the income and standard of living of many Arab producers have increased.

(d) RECONVERSION TO PEACETIME CONDITIONS

62. In relation to its capacity in 1939, Palestine industry was greatly expanded in response to war demands. During the war 130,000 people were either in the armed forces, working on military construction, or on production for military orders. Since the war, the reabsorption of this labour force has had no significant effect on the labour market. This is mainly accounted for by:

(a) The high volume, of demand which has been maintained by the continuance of military expenditure at a level which is about 20 per cent of the total national income, together with the delayed demand which could not be satisfied during the war.

(b) A continued shortage of supplies of both industrial and agricultural consumer goods.

63. Although, for these reasons, there has been no problem of unemployment and no great difficulty in adapting the war-expanded industrial capacity to non-war demands, there are inherent in the situation some difficulties of longer term adjustment.

64. Costs of food production on Jewish mixed-crop farms in Palestine are relatively high and the pressure to maintain industrial wages consequently very strong; since the rise in industrial wages has not been altogether offset by increases in output per worker, the labour costs of Palestine industry are high. When the world shortages of consumer goods are overcome, Palestine industry will be subject, both at home and in external markets, to the competition of lower cost production. To the extent that a fall in food prices would permit a fall in wages, this situation would improve with a fall in world wheat prices, since Palestine at present imports wheat from other Middle East countries at very high prices.

65. It remains to be considered, However, that a substantial fall in military expenditure, unless offset by investment from other sources, would bring about a fall in income and in prices.

66. Should this occur, a period of economic depression and unemployment would be the natural consequence. Thus, the

Palestine economy may be expected in the near future to have to adjust itself to the double effect of increasing industrial competition and a fall in income as a result of the reduction of military expenditure.

67. Owing to its associations for three world religions, Palestine is likely to attract a great many tourists when peace is restored there and when world economic conditions improve. Such tourist traffic is likely to provide a considerable source of income. This would, of course, offset in some degree the effects which might otherwise follow from a heavy drop in present military expenditures.

### C. PALESTINE UNDER THE MANDATE

#### *The mandate*

68. On 25 April 1920, the Supreme Council of the Allied Powers agreed to assign the Mandate for Palestine to Great Britain on the understanding that the Balfour Declaration<sup>54</sup> would be put into effect. The draft mandate was confirmed by the Council of the League of Nations on 24 July 1922, and entered into force formally on 29 September 1923. Following its occupation by British troops in 1917-1918, Palestine had been controlled by the Occupied Enemy Territory Administration of the United Kingdom Government. Anticipating the establishment of the Mandate, the United Kingdom Government, as from 1 July 1920, replaced the military with a civilian administration, headed by a High Commissioner ultimately responsible to the Secretary of State for the Colonies in Great Britain.

69. The preamble and articles of the mandate are reproduced as Annex 20. As a perspective for reviewing the administration of the mandate in Palestine, the following obligations are of major significance:

(1) The placing of the country "under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble . . ." (article 2) considered together with the obligation to "facilitate Jewish immigration under suitable conditions" and "encourage, in cooperation with the Jewish Agency referred to in article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes" (article 6).

(2) The safeguarding of the "civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion" (article 2); taken together with the proviso in the Balfour Declaration reproduced in the preamble, "it being clearly understood that nothing should be done which might

prejudice the civil and religious rights of existing non-Jewish communities in Palestine" and with the similar proviso of "ensuring that the rights and position of other sections of the population are not prejudiced . . ." (article 6).

(3) The placing of the country "under such political, administrative and economic conditions as will secure . . . the development of self-governing institutions . . ." (article 2) and the encouragement "so far as circumstances permit," of "local autonomy" (article 3).

(4) The responsibility for the welfare of Palestine as a community: Thus, to "safeguard the interests of the community in connexion with the development of the country" with special reference to making provision for public ownership or control of natural resources, public works, services and utilities; for introducing an appropriate land system and promoting its close settlement and intensive cultivation (article 11); together with the provision in article 2 safeguarding the civil and religious rights of all the inhabitants of Palestine, and that of article 15: "No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language."

(5) The responsibilities regarding the Holy Places<sup>55/</sup> (articles 13 and 14).

70. Under article 25 of the Mandate, the mandatory Power, with the consent of the Council of the League of Nations, was empowered to withhold, in the territories lying between the Jordan and the eastern boundary of Palestine, application of those provisions of the Mandate (other than those in articles 15, 16 and 18) considered to be inapplicable. In September 1922, the Council of the League approved a British Government memorandum which defined the boundaries of Transjordan and excluded it *inter alia* from the provisions of the Palestine Mandate regarding the Jewish National Home.

#### *The mandate in practice*

71. The constitutional basis of the Government of Palestine established by the mandatory Power is set out in the Palestine orders-in-council, 1922 to 1940. The original Palestine order-in-council of 10 August 1922<sup>56/</sup> was amended in 1923 to provide<sup>57/</sup> that the High Commissioner,

without prejudice to powers inherent in or reserved by the Order to the King (article 89 of the 1922 Order) and subject to instructions given him by His Majesty's Government, "shall have full power and authority . . . to promulgate such ordinances as may be necessary for the peace, order and good

government of Palestine . . . ." It is specifically provided, however, that no ordinance promulgated should restrict "complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals" or which "shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language." Of particular relevance to the Administration's discharge of the mandate is the further provision that "no ordinance shall be promulgated which shall be in any way repugnant to or inconsistent with the provisions of the Mandate, and no ordinance which concerns matters dealt with specifically by the provisions of the Mandate shall be promulgated until a draft thereof has been communicated to a Secretary of State and approved by him with or without amendment."

72. In accordance with the Orders-in-Council referred to above, the administration of Palestine is carried on by a High Commissioner responsible to the Secretary of State for the Colonies in the United Kingdom Government. He is assisted by an Executive Council consisting of senior officers appointed from time to time, and including *ex officio* the Chief Secretary (the principal executive officer of the Government), the Attorney General and the Financial Secretary. In 1923, powers of legislation were conferred on the High Commissioner and provision was made for an Advisory Council which the High Commissioner is bound to consult before ordinances are promulgated. The Advisory Council is composed of Executive Council members, heads of major Government departments and district commissioners. Centrally, the Government is organized into various departments responsible for the discharge of prescribed duties. For general administrative purposes, Palestine is divided into six administrative districts,<sup>58/</sup> each under the control of a district commissioner acting as representative of the Government in his district and responsible to the Chief Secretary. He is assisted by a deputy district commissioner and one or more assistant district commissioners. In 1945, the total number of government employees was approximately 45,000, of which some 68 per cent were Arab, 21 per cent Jewish and 10 per cent British (reduced to some 4 per cent if police other than officers are omitted). Government posts of any importance including those of the level of assistant district commissioners<sup>59/</sup> are held by British officials, though it was submitted in evidence to the Committee that since 1939, in accordance with the White Paper, attempts were being made to bring Palestinians into more responsible posts.<sup>60/</sup>

73. In August 1937 the Permanent Mandates Commission of the League of Nations, in the course of its preliminary opinion to the Council of the League on the Palestine Royal Commission

(Peel) Report issued in June 1937, made the following pronouncement:

"The present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the twofold authority conferred upon it by its impartiality and unanimity and by the Government of the mandatory Power itself."61/

74. In its own statement of policy62/ issued simultaneously with the report of the Royal Commission, the mandatory Power had found itself "driven to the conclusion that there is an irreconcilable conflict between the aspirations of the Arabs and those of the Jews in Palestine" and "that these aspirations cannot be satisfied under the terms of the present Mandate . . . ." It is in the light of this background of deepening conflict intensified by the events of the succeeding ten years, that the United Nations Special Committee on Palestine feels it proper to view the working of the Mandate in Palestine.

*The "Jewish National Home" and Arab rights*

75. Few phrases in history have provoked such lasting contention as "Jewish National Home." Twenty years after the issuance of the Balfour Declaration, the Royal Commission devoted a chapter63/ of its report to a careful appraisal of the relevant texts and historical antecedents in order to clarify the meaning of the phrase.

76. Regarding the political implications of the term "National Home," the finding of the Commission is unequivocal:

"We have been permitted to examine the records which bear upon the question and it is clear to us that the words "the establishment in Palestine of the National Home" were the outcome of a compromise between those Ministers who contemplated the ultimate establishment of a Jewish State and those who did not. It is obvious in any case that His Majesty's Government could not commit itself to the establishment of the Jewish State. It could only undertake to facilitate the growth of a Home. It would depend mainly on the zeal and enterprise of the Jews, whether the Home would grow big enough to become a State."64/

77. As far as the mandatory Power is concerned, the statement65/ of British policy in Palestine which was issued in June 1922 by Mr. Winston Churchill, then Secretary of State for the Colonies, has remained the authoritative interpretation.66/ The following excerpts express the substance of the statement:

"Unauthorized statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become as Jewish as England is English. His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine*. In this connexion, it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organization, held at Carlsbad in September 1921, a resolution was passed expressing as the official statement of Zionist aims 'the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development. ". . . When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connexion."

78. Commenting on the above passage and its context, the Royal Commission concluded as follows:

"This definition of the National Home has sometimes been taken to preclude the establishment of a Jewish State. But, though the phraseology was clearly intended to conciliate, as far as might be, Arab antagonism to the National Home, there is nothing in it to prohibit the ultimate establishment of a Jewish State, and Mr. Churchill himself has told us in evidence that no such prohibition was intended."67/

79. While there have been grounds for controversy regarding

the precise implication of the term "National Home," a perhaps more stubborn difficulty has emerged from the undertakings of the Mandate towards the Jewish and Arab inhabitants of Palestine respectively: the so-called "dual obligation." The general terms in which the Mandate is phrased have invited attempts to discover in them some primacy of purpose. In 1930, the Permanent Mandates Commission of the League, of Nations satisfied itself "that the obligation laid down by the Mandate in regard to the two sections of the population are of equal weight."68/ Approaching the question from a strict examination of the terms of the Mandate, the Royal Commission found that "unquestionably, however, the primary purpose of the Mandate, *as expressed in its preamble and its articles, is to promote the establishment of the Jewish National Home.*"69/ (Italics as in text). From a different context we have the opinion of Mr. Churchill, while addressing the House of Commons on 23 May 1939, that the intention of the 1922 White Paper was "to make it clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine."70/

#### *Development of the National Home*

80. In 1937, the members of the Palestine Royal Commission summed up their impressions thus: "Twelve years ago the National Home was an experiment, today it is a going concern."71/ Within the decade since their report was issued, the Jewish population of Palestine has increased from 400,000 to some 625,000.72/ In place of the 203 agricultural settlements containing some 97,000, there are now more than 300 such settlements and small towns with a population of some 140,000. The larger towns and cities of the Yishuv (Jewish community in Palestine) have likewise greatly expanded both in size and amenities. In particular Tel Aviv, with its present population of over 180,000, its highly developed civic organization, its cultural activities and other indications of a diversified community life, cannot fail to impress. Remembering the deserted sandiness from which Tel-Aviv has sprung, one can well understand the pride which the Jewish community takes in its creation.

81. Membership in the Jewish community is virtually automatic73/ for all Jews aged eighteen or more who have lived in Palestine for at least three months. All adults in the community from the age of twenty participate in voting for the Elected Assembly, from which is formed the Vaad Leumi (National Council).74/ The Vaad Leumi maintains, almost exclusively from its own tax revenue and resources,75/ in co-operation with other community organizations, the Jewish school system and a network of public health and social

services. Within the Elected Assembly may be found representatives of diversified political opinions, including influential groups<sup>76/</sup> which do not fully share the official programme of the Jewish Agency. Similarly, varied political opinion is expressed in the Histadruth (Jewish Federation of Labour), which includes in its membership of some 160,000 (approximately 75 per cent of the total Jewish working population) not only most industrial workers but farmers and professional workers.

82. In the life of the Jewish community, the Jewish Agency occupies a special place in virtue both of its status under article 4 of the mandate<sup>77/</sup> and as a representative organization of world Jewry. Organized in Palestine into some twenty departments corresponding in general to the departments of State in a self-governing country, the Agency concerns itself with every aspect of Jewish economic and social development in Palestine and exercises a decisive influence in major questions of policy and administration, particularly in regard to immigration and agricultural development.

83. The Yishuv (Jewish community in Palestine) is thus a highly organized and closely-knit society which, partly on a basis of communal effort, has created a national life distinctive enough to merit the Royal Commission's title of "a State within a State." Proud of its own achievements in self-government and cultural life, it is sensitive to any apparent lack of appreciation of what it regards as its just and reasonable needs. Its initiative, purposefulness and self-confidence react strongly against a situation in which it finds itself under an "alien bureaucracy."<sup>78/</sup> Its memories of the Arab rising of 1936-39, and more recent anti-Jewish pogroms in Middle Eastern countries, coupled with the immediate background of Hitlerism, keep it constantly vigilant and preoccupied with securing adequate defense for the National Home.

#### *Immigration and land settlement*

84. When the Mandate was first approved in 1922, there were only some 84,000 Jews settled in Palestine. While immigration was therefore regarded as essential for the growth of the potential National Home, some form of control was necessitated by the proviso of article 6 that the "rights and position of other sections of the population" were not to be prejudiced in consequence. The regulative principle adopted by the mandatory Power in 1922 was explained in the statement of policy (Churchill memorandum):

". . . immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the



time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment."

This principle, later reaffirmed in Mr. Ramose Macdonald's letter of 13 February 1931, to Dr. Weizmann, was accepted by the Zionist Organization<sup>79/</sup> at the time, and was also endorsed by the Permanent Mandates Commission of the League of Nations.<sup>80/</sup>

85. By 1937 the total Jewish population had reached nearly 400,000. The first three years of the Nazi terror in Germany (1933 to 1935) alone brought in some 135,000 immigrants. In 1936, however, there occurred incidents which grew rapidly into the widespread Arab campaign of terrorism and armed resistance directed both at the Jewish population and at the police and military of the Administration.<sup>81/</sup> It was in these circumstances that the Royal Commission in 1937 came to the conclusion that, in determining the volume of immigration, "the principle of economic absorptive capacity . . . is at the present time inadequate. . . . Political and psychological factors should be taken into account."<sup>82/</sup>

86. Since 1939 Jewish immigration into Palestine has been determined in accordance with the White Paper of 1939. <sup>83/</sup> The major decisions regarding immigration deserve notice here.

(1) During the five years following 1939, providing economic absorptive capacity permitted, some 75,000 Jews in all were to be admitted:

10,000 in each year together with a further 25,000 Jewish refugees as soon as adequate provision for their maintenance could be assured. The intention of the mandatory Power was to bring the Jewish population up to approximately one-third of the total population of Palestine.

(2) After this five-year period, "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."<sup>84/</sup>

(3) Illegal immigration would be checked by "further preventive measures," and the numbers of any illegal immigrants entering Palestine would be deducted from the yearly quota for immigration.

87. The substance of the mandatory Power's attitude may be gleaned from the following excerpt from the White Paper:<sup>85/</sup>

". . . His Majesty's Government do not read either the

statement of policy of 1922 or the letter of 1931 as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the Mandate or in subsequent statements of policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and equally, if it has a seriously damaging effect on the political position in the country, that is a factor that should not be ignored."

88. The White Paper of 1939 also substantially modified the policy of the Administration towards Jewish land settlement. Stressing the obligation under article VI of the Mandate regarding the "rights and position" of non-Jewish sections of the population, the White Paper declared that:

"The Reports of several expert commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created."

The White Paper's land policy was put into effect through the land transfer regulations<sup>86/</sup> of 1940. Under these regulations, the country was divided into three zones: in the first two<sup>87/</sup> (covering 95 per cent of the area of Palestine) the transfer of land to Jews by Palestinian Arabs was either prohibited or required the sanction of the Government; in the third or "free" zone an area of some 332,000 acres (5 per cent of the total area of Palestine), mainly in the coastal plain but including land around Jerusalem, all land purchased was unrestricted.

89. The White Paper of 1939 was considered at length during the thirty-sixth session of the Permanent Mandates Commission in June 1939. The substance of its findings, as reported to the Council of the League were:<sup>88/</sup>

(a) "That the policy set out . . . was not in accordance with the interpretation which, in agreement with the mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate";

(b) That, regarding the possibility of a new interpretation of

the Mandate, with which the White Paper would not be at variance, four members "did not feel able to state that the policy of the White Paper was in conformity with the mandate . . .", while the other three members of the Commission considered that "existing circumstances would justify the policy of the White Paper, provided that the Council did not oppose it,"

90. The reaction of Arab leaders, who were much concerned with the constitutional proposals,<sup>89/</sup> was officially to reject the mandatory Power's policy as falling short of Arab demands. Jewish opinion may be summed up in a sentence taken from the letter<sup>90/</sup> dated 31 May 1939 of the President of the Jewish Agency to the High Commissioner for Palestine:

"It [the White Paper] subjects the Jewish National Home to Arab rule; it perpetuates the Jewish minority position; it places Jewish immigration at the mercy of the Arabs; in short, it envisages the termination of the mandate by jettisoning its primary purpose."

91. Against the background of an active Jewish war effort and intensified Nazi persecution of the remnants of European Jewry, enforcement of the White Paper provisions stimulated efforts to bring illegal immigrants<sup>91/</sup> into Palestine. The action of the Administration in circumventing illegal immigration by the seizure of immigrant ships led to constant and serious friction accompanied by mounting Jewish resistance.

92. The consequent rising tension between the Administration and the Jewish community was in no way eased by the announcement of the Biltmore Programme adopted by the Zionist Conference in New York on 11 May 1942, which, *inter alia*, called for unlimited immigration and for Palestine to be established as a Jewish Commonwealth. From 1945 onwards, the Jewish resistance to the enforcement of the White Paper was accompanied by increasing acts of violence, culminating in 1946-1947 in the underground activities of the Irgun Zvai Leumi and the so-called Stern Group. Since the July 1946 attack by terrorists on the headquarters of the Administration Secretariat in the King David Hotel, Jerusalem, representatives of the Jewish Agency and the Vaad Leumi have from time to time condemned terrorist activities, and there have been some signs of active opposition to such methods on the part of the Haganah.<sup>92/</sup> By June 1946, however, the breach had widened so far that the Administration found it necessary to arrest and detain on grounds of public security some 2,600 Jews, including four members of the Jewish Agency Executive.

93. Yet the present difficult circumstances should not distort

the perspective of solid achievement arising from the joint efforts of the Jewish community and the Administration in laying the foundations of the National Home. In 1937 the Royal Commission concluded that, as far as immigration was concerned, "the mandatory has so far fully implemented its obligation to facilitate the establishment of a National Home for the Jewish People in Palestine."93 At the same time, the Commission laid down its view regarding the future: "This does not mean that the National Home should be crystallized at its present size. . . . We cannot accept the view that the mandatory, having facilitated the establishment of the National Home, would be justified in shutting its doors."94/

94. Two years later, the White Paper expressed the conviction of the mandatory that, with a defined addition of a specified number of immigrants, the National Home must be regarded as fully established. That policy, modified by the admission for the time being of 1,500 Jewish immigrants per month, still stands. The recommendation of the Anglo-American Committee of Inquiry for the immediate admission of 100,000 Jews, while in substance accepted in the mandatory Power's constitutional proposals95/ of 1946-1947, was not put into practice. Similarly, no effect has been given to the Anglo-American Committee's recommendation for the rescinding of the Land Transfer Regulations and providing for "freedom in the sale, lease or use of land irrespective of race, community or creed."

*Rights and position of the Arabs*96/

95. The Mandate speaks in general terms only of safeguarding or not prejudicing the "civil and religious rights" and the "rights and position" of the Arab community in Palestine. Regarding interpretation, in January 1918 the British Government assured King Hussein in the "Hogarth Message", that the aspirations of the Jews for a return to Palestine would be realized "in so far as is compatible with the freedom of the existing population, both economic and political." This interpretation, however, was not officially made known to the Permanent Mandates Commission until 1939 97/ nor was it acceptable to the Commission as a whole.

96. Whatever the intended implication of "civil" rights, Arab leaders in Palestine have consistently denied the legality of the Mandate and demanded cessation of Jewish immigration, independence, and full national self-government.98/ Actions by the mandatory Power and the Palestine Administration designed to safe-guard Arab rights under the Mandate have thus tended to be judged in accordance with these unchanging criteria.

97. Setting aside these ultimate standards of reference for

the moment, one may find in the record of the Palestine Administration evidence of persistent effort to effect gradual improvements in the economic and social condition of the Arab population. In examining such evidence, particularly in regard to land utilization and agricultural development, due account has to be taken of the pioneer nature of the task which the Administration faced:

"The country was disease-ridden, under-developed, poverty-stricken; it had the scantiest facilities for education, virtually no industry, and an indifferent agricultural regime. Internally it was given to lawlessness and it was open to the predatory attention of nomad bands from the desert. To make self-advancement possible and to open the way for private enterprise, State action in all these fields had been required."99/

Regard must be had also for the recurring periods of civil disturbance, particularly in 1921, 1929-1930, 1936-1938 and 1945-1947, which have both diverted attention from economic and social development and drained budgetary resources.100/ However, though not formally accepted by the most influential Arab leaders, the 1939 White Paper's restrictions on Jewish immigration and land settlement were plainly designed to protect Arab rights as understood by the mandatory Power.

98. At the same time, one can well understand Arab criticism, that more has not been done to accelerate the tempo of Arab development in economic and social affairs. It is pointed out that during 1944-1946, for example, the Government spent each year only some 3 per cent of its total expenditure on public health and less than 4 per cent on education. The Government's responsibilities have been primarily directed towards the Arabs since the Jews maintain, at a very much higher per capita cost, their own community health and education services. Yet, despite serious and recognized inadequacies in the health services, an improvement in the general health conditions of the Arab community is indicated in the substantial reduction of the child mortality rate during the past twenty years.101/ In regard to education the responsibility, which the Administration has assumed, of eliminating illiteracy has by no means yet been discharged; and the Government system of public education "still covers only some 57 per cent of Arab boys of school age and 23 per cent of the girls."102/ The criticism which the Royal Commission in 1936-1937 expressed103/ of the lack of both primary and secondary, not to mention higher, education facilities for the Arabs would still seem to apply, and there can be no question as to the dissatisfaction in the Arab community with the slowness of the progress that has been realized.

99. In view of the complexity of the issues, any general estimate as to the effects of the mandatory regime on Arab economic and social welfare is not to be made lightly. In 1937 the Royal Commission commented:104/

"Our conclusion, then, is that, broadly speaking, the Arabs have shared to a considerable degree in material benefits which Jewish immigration has brought to Palestine. The obligation of the Mandate in this respect has been observed. The economic position of the Arabs, regarded as a whole, has not so far been prejudiced by the establishment of the National Home."

Ten years later the Government of Palestine has affirmed substantially the same conclusion:105/

"Over all, the conditions of the Arab community have more materially improved during the past twenty-seven years, as is shown perhaps most emphatically in their rapid increase through natural cause; their standard of living has been greatly raised; and their ability to provide for themselves in a competitive world has been enhanced."

100. However, even if it were incontrovertibly established that in economic and social life the Arab community had appreciably benefited from the establishment of the National Home and the mandatory regime, it is plain, as the Royal Commission of 1936 emphasized, that such considerations weigh little with those who direct Arab political life. The basic premise of Arab political leaders is that self-government in an independent State from which all further Jewish immigration is barred alone offers any acceptable guarantee of their "rights and position."

101. The mandatory Power has attempted, within the limits of its interpretation of the "dual obligation" of the mandate, to provide some satisfaction of Arab political desires. Apart from steps taken to develop self-governing institutions, which clearly are of primary significance for Arab interests, the Administration has endeavoured to foster representative institutions within the Arab community itself. Thus, in 1921, under an Order of the Administration, the Supreme Moslem Council was created for the control and management of Awqa106/ and Sharia affairs in Palestine. Again in 1923, the mandatory Power "proposed to establish an Arab Agency which was to occupy "a position exactly analogous to "that accorded to the Jewish Agency under article 4 of the Mandate". The offer was unanimously declined by Arab leaders of the day on the grounds that it "would not satisfy the aspirations of the Arab people".

102. The Royal Commission of 1936-37 was impressed by the fact that the Arab national movement.

". . . is now sustained by a far more efficient and comprehensive political machine than existed in earlier years. The centralization of control . . . has now been as fully effected as is possible in any Arab country. All the political parties present a 'common front' and their leaders sit together on the Arab Higher Committee. Christian as well as Moslem Arabs are represented on it. There is no opposition party."107/

103. Subsequent events have confirmed this trend. It is true that, in 1937 and again in 1939 on the question of the White Paper, differences emerged in the Arab Higher Committee.108/ Yet they were differences mainly of method and tactics rather than as to the major objectives of Arab nationalism. The dissolution of the Arab Higher Committee and deportation of six of its leaders, including Jamal Eff. el Husseini, by the Government of Palestine in 1937 brought little change in the structure of Arab political life. While Haj Amin Eff. el Husseini,109/ who had been associated with the Axis during the Second World War, has not been allowed to return to Palestine, the present Arab Higher Committee, reestablished in 1945 and reconstituted in 1946, now has as vice-chairman Jamal Eff. el Husseini, it being understood that the post of chairman is held open for the Mufti.110/

104. There can be little doubt, moreover, that the present pattern of control is expressed throughout the local Arab communities by means of a network of committees. Decisions taken at the centre, whether relating to an economic boycott of Jewish goods or to the attitude to be taken towards the present United Nations Committee, are thus for the most part effectively administered throughout the Arab community.

105. Differences of approach and interest, sometimes on such a major question as that of Arab-Jewish relations, can be discerned, the more so from the strong pressure that is brought against them.111/ In times of crisis, as in 1936-1938, such pressure has taken the form of intimidation and assassination. At present time, nonconformity regarding any important question on which the Arab Higher Committee has pronounced a policy is represented as disloyalty to the Arab nation. The Arab community, being essentially agrarian, is loosely knit and mainly concerned with local interests. In the absence of an elective body to represent divergences of interest, it therefore shows a high degree of centralization in its political life.

*Development of self-governing institutions and local autonomy*

106. In its statement of policy of June 1922, the United Kingdom Government declared:112/

"It is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine, but they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly."

The mandatory Power's attempts to introduce a measure of self-government in Palestine can be understood only within the context of divergent Arab-Jewish aspirations. In October 1920, an Advisory Council was established consisting of ten British officials, seven Arabs (four Moslem and three Christian), and three Jews. In 1922, the Palestine Administration projected, as a first step towards the introduction of self-government, a Legislative Council which was to consist of the High Commissioner and twenty-two members: ten official and twelve elected (ten Arabs, of whom eight were to be Moslems and two Christians, and two Jews). The proposal was rejected by the Palestine Arab Executive on the grounds that Arab representatives should have a majority over all others, and an Arab boycott of the elections held in 1923 created a stalemate.

107. In the first years of the 1930's some progress was made in the sphere of local self-government. By the beginning of 1935, some twenty elective municipal councils were in being; in the same year a municipal council composed of equal numbers of Arabs and Jews was established in Jerusalem.113/ Whilst Jewish critics complained of the restrictive limits imposed on their own municipalities, particularly Tel Aviv, by the Local Government Ordinance,114/ it is clear that the first step had been taken to "encourage local autonomy" in accordance with article 3 of the Mandate. At present some hundred local authorities are in being, together with forty village councils all of which are Arab of the four existing mixed municipal commissions, only those in Haffa and Tiberias include Arab and Jewish, members who are not Government officers.

108. A further attempt was made by the Government of Palestine at the end of 1935 to establish a legislative council. It was to have consisted of twenty-eight members115/ presided over by "some impartial person unconnected with Palestine." The council was to have been empowered to initiate and recommend legislation, subject to certain far-reaching limitations, in particular the withholding of any questioning of the validity of the Mandate and the reserving to the High Commissioner of powers of direct legislation and effective control of



immigration and money bills. Arab opinion-on the proposal was divided between moderate elements favouring its acceptance and the Arab leaders who rejected it as falling far short of the traditional demand for full national self-government. Jewish opinion, seeing in it the prospect of domination of the National Home by an overwhelming Arab majority, was in vehement opposition.

109. Not until 1939, when the 1936-1938 rising had spent its force, was there any fresh attempt at constitutional reform. The White Paper of 1939 struck a new note. Within ten years, the Mandate would terminate and Palestine become an independent State subject to the conclusion of "such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of both countries in the future". No details as to the constitutional form of the proposed State were given but, five years following the restoration of "peace and order", an "appropriate body representative of the people of Palestine and of His Majesty's Government" was to be set up to make recommendations regarding the constitution. During the transition period, Palestinians were gradually to be given an increasing part in the Government, the objective being "to place Palestinians in charge of all the departments of Government, with the assistance of British advisers and subject to the control of the High Commissioner."

110. Jewish opinion reacted strongly to this proposal claiming that it was "a surrender to Arab terrorism", the effect of which "is to deny to the Jewish people the right to reconstitute their National Home in their ancestral country."116/ Since the proposal did not measure up to the political demands proposed by Arab representatives during the London Conference of early 1939, it was officially rejected by the representatives of Palestine Arab parties acting under the influence of Haj Amin Eff el Husseini. More moderate Arab opinion represented in the National Defence Party117/ was prepared to accept the White Paper.

111. Following the Second World War, the establishment of the United Nations in 1945 and the dissolution of the League of Nations the following year opened a new phase in the history of the mandatory regime. The mandatory Power, in the absence of the League and its Permanent Mandates Commission, had no international authority to which it might submit reports and generally account for the exercise of its responsibilities in accordance with the terms of the Mandate. Having this in mind, at the final session of the League Assembly the United Kingdom representative declared that Palestine would be administered "in accordance with the general principles" of the existing Mandate until "fresh arrangements had been reached."118/ At

the Assembly meeting of 18 April 1946, a resolution on mandates was passed which declared *inter alia* that the Assembly:119/

"Recognizes that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII, and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

"Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers."

112. On 1 May 1946, -the report of the Anglo-American Committee of Inquiry was published. Its major constitutional proposals were:120/

(a) That "Palestine shall be neither a Jewish State nor an Arab State", but that it should "ultimately become a State which guards the rights and interests of Moslems, Jews, and Christians "alike."

(b) That until Arab-Jewish hostility disappears "the Government of Palestine be continued as at present under mandate pending the execution of a Trusteeship Agreement under the United Nations." A long period of trusteeship was envisaged in view of the Committee's conviction as to the depth of political antagonism between Arab and Jew, and it was proposed that the trusteeship burden would be lightened "if the difficulties were appreciated and the Trustee had the support of other members of the United Nations."

113. Following an examination of the Anglo-American Committee's report by a group of British and American officials, in July 1946 the so-called Morrison Plan121/ was projected by the mandatory Power as a basis for discussion with Arab and Jewish representatives and those of the Arab States at a conference122/ held in London later in the year. In its constitutional aspects the plan provided for division of Palestine into four semi-autonomous areas including an Arab and Jewish province, and for a Central Government whose powers were to be exercised initially by the High Commissioner assisted by a nominated Executive Council. The provinces were to have only such powers as were expressly conferred, and authority in major fields was reserved to the Central

Government.

114. The Jewish Agency rejected the proposal unreservedly. The Arab delegates to the London Conference also unanimously opposed the plan. They suggested<sup>123/</sup> as an alternative that Palestine should become an independent unitary State with a permanent Arab majority in which the Jewish community would be entitled to seats in a legislative assembly proportionate to the number of Jews with Palestinian citizenship, provided that the number of Jewish representatives should in no case exceed one-third of the total membership.

115. On 7 February 1947, the British delegation at the Anglo-Arab Conference in London submitted a new proposal,<sup>124/</sup> for a five-year British Trusteeship over Palestine as a preparation for independence. The proposed Trusteeship Agreement was to provide for a wide measure of local autonomy in Arab and Jewish areas, and the High Commissioner was to seek the formation at the centre of a representative Advisory Council. After four years a Constituent Assembly was to be elected and, providing agreement could be reached between a majority of Arab and Jewish representatives respectively, an independent State would be established immediately.

116. The proposal was unacceptable both to the Arab State delegations and to representatives of the Palestine Arab Higher Committee then present at the London Conference, and unacceptable also to the Jewish Agency. The leaders of the Arab delegations "re-emphasized that no proposal which involved any form of partition or Jewish immigration would be acceptable as a basis for the solution of the problem."<sup>125/</sup> The Jewish Agency's statement<sup>126/</sup> declared that the proposals were incompatible with the basic purposes of the mandate and with Jewish rights to immigration, settlement and ultimate statehood. In this situation, and in accordance with its declaration of 7 February 1947 that "His Majesty's Government are not prepared to continue indefinitely to govern Palestine themselves merely because Arabs and Jews cannot agree upon the means of sharing its government between them", the mandatory Power referred the question of "the future government of Palestine" to the United Nations.<sup>127/</sup>

#### *The present situation*

117. The atmosphere in Palestine today is one of profound tension. In many respects the country is living under a semi-military regime. In the streets of Jerusalem and other key areas barbed wire defences, road blocks, machine-gun posts and constant armoured car patrols are routine measures. In areas of doubtful security, Administration officials and the military forces live within strictly policed security zones

and work within fortified and closely-guarded buildings. Freedom of personal movement is liable to severe restriction and the curfew and martial law have become a not uncommon experience. The primary purpose of the Palestine Government, in the circumstances of recurring terrorist attacks, is to maintain what it regards as the essential conditions of public security. Increasing resort has been had to special security measures provided for in the defence emergency regulations.<sup>128/</sup> Under these regulations, a person may be detained for an unlimited period, or placed under police supervision for one year, by order of an area military commander; and he may be deported or excluded from Palestine by order of the High Commissioner. Where there are "reasons to believe that there are grounds which would justify . . . detention . . . or deportation", any person may be arrested without warrant by any member of His Majesty's Forces or any police officer and detained for not more than seven days, pending further decision by the military commander. The regulations concerning military courts prohibit a form of judicial appeal from or questioning of a sentence or decision of a military court.<sup>129/</sup> Under the regulations, widespread arrests have been made; and as of 12 July 1947, 820 persons<sup>130/</sup> were being held in detention on security grounds, including 291 in Kenya under Kenya's 1947 ordinance dealing with the control of detained persons. The detainees were all Jews with the exception of four Arabs. In addition to these, 17,873 illegal immigrants were under detention.<sup>131/</sup>

118. The attitude of the Administration to the maintenance of public security in present circumstances was stated to the Committee in the following terms:<sup>132/</sup>

"The right of any community to use force as a means of gaining its political ends is *riot* admitted in the British Commonwealth. Since the beginning of 1945 the Jews have implicitly claimed this right and have supported by an organized campaign of lawlessness, murder and sabotage their contention that, whatever other interests might be concerned, nothing should be allowed to stand in the way of a Jewish State and free Jewish immigration into Palestine. It is true that large numbers of Jews do not today attempt to defend the crimes that have been committed in the name of these political aspirations. They recognize the damage caused' to their good name by these methods in the court of world opinion. Nevertheless, the Jewish community of Palestine still publicly refuses its help to the Administration in suppressing terrorism, on the ground that the Administration's policy is opposed to Jewish interests. The converse of this attitude is clear, and its result, however much the Jewish leaders themselves may not wish it, has been to give active encouragement to the dissidents and freer scope to their

activities."

119. There can be no doubt that the enforcement of the White Paper of 1939, subject to the permitted entry since December 1945 of "1,500 Jewish immigrants monthly, has created throughout the Jewish community a deep-seated distrust and resentment against the mandatory Power. This feeling is most sharply expressed in regard to the Administration's attempts to prevent the landing of illegal immigrants. During its stay in Palestine, the Committee heard from certain of its members an eyewitness account of the incidents relative to the bringing into the port of Haifa, under British naval escort, of the illegal immigrant ship. *Exodus 1947*.<sup>133</sup>/ In this, as in similar incidents, the Committee has noted the persistence 'of the attempts to 'bring Jewish immigrants to Palestine irrespective of determined preventive measures on the part of the Administration, and also the far-reaching support which such attempts receive from the Jewish community 'in Palestine and abroad. The unremitting struggle to admit further Jews into Palestine, irrespective of the quota permitted by the Administration, is a measure of the rift which has developed between the Jewish Agency and the Jewish community, on the one hand, and the Administration on the other. In the present state of tension, little practicable basis exists for the discharge by the Jewish Agency of its function under the Mandate of "advising and cooperating" with the Administration in matters affecting the interests of the Jewish community.

120. As far as the Arab community is concerned, the Committee has had less opportunity of ascertaining its attitude in detail in view of the boycott on association with the Committee pronounced by the Arab Higher "Committee. During the hearings of representatives of the Arab States at Beirut, however, the Arab assessment of the present situation of unrest in "Palestine was safer thus:<sup>134</sup>/

"Zionism, however, does not content itself with mere propaganda in favour of the fulfilment of its expansionist projects at the expense of the Arab countries. Its plan involves recourse to terrorism, both in Palestine and in other countries. It is known that a secret army has been formed with a view to creating an atmosphere of tension and unrest by making attempts on the lives of representatives of the governing authority and by destroying public buildings . . . This aggressive attitude, resulting from the mandatory Power's weakness in dealing with them, will not fail to give rise in turn to the creation of similar organizations by the Arabs. The responsibility for the disturbances which might result therefrom throughout the Middle East will rest solely with the Zionist organizations, as having been the first to use these violent tactics." It was declared at the same meeting that

"against a State established by violence, the Arab States will be obliged to use violence; that is a legitimate right of self-defence".135/

121. Arab resistance to Jewish political demands in Palestine has in part taken the form of an economic boycott of Jewish goods, decided on by a resolution of the Council of the Arab League in December 1945.136/ Representatives of the Arab States stressed in evidence to the Committee that the boycott would prove effective due to the dependence of Jewish industry on the market of Arab countries.137/ Within Palestine, though it would be difficult to estimate its present effectiveness, the boycott is regarded by the Arab, leaders as an important means of furthering their political aims. During the Arab Conference in Haifa in July 1947, Jamal Eff. el Husseini spoke of the necessity of "strengthening the boycott in order to pull down Zionist existence", and warned Arab merchants who did not observe the boycott that they would be regarded as "traitors", since "the nation cannot keep patient over humiliation."138/

122. The view of the mandatory Power on Arab-Jewish relations was given by the British Foreign Secretary in the House of Commons on 13 November 1945, as follows:

"The whole story of Palestine since the mandate was created has been one of continued friction between the two races culminating at intervals in serious disturbances. The fact has to be faced that since the introduction of the mandate it has been impossible to find common grounds between the Arabs and the Jews."

Yet, while recognizing that in practice the Mandate has become unworkable, one cannot ignore the belief of those responsible for the Balfour Declaration and the Palestine Mandate that the obligations undertaken towards Arabs and Jews respectively would not seriously conflict. To many observers at the time, conclusion of the Feisal-Weizmann Agreement139/ promised well for the future co-operation of Arab and Jew in Palestine. If Arab protests and uprisings in the 1920's seemed to give warning of serious conflict, it was assumed, and repeatedly proclaimed by the mandatory Power, that the necessary measures of Arab-Jewish co-operation would be found to bridge the gap between the two communities within the framework of the Mandate.140/

123. In the circumstances of the mandatory regime, that necessary measure of understanding between the two peoples of Palestine has not yet been evident. The immediate and compelling reality is the constant pressure exerted by Arab and Jewish political leaders to maintain and advance their

respective national interests. Yet there are those, both Jew and Arab, who believe in the possibility of mutually advantageous understanding and, as circumstances permit, seek its promotion.<sup>141</sup> Instances of co-operation and good neighbourly relations in the affairs of everyday life may be observed. In the field of labour, joint Jewish-Arab strike actions have occurred. On official bodies, such as the General Agricultural Council the Citrus Control Board and the Citrus Marketing Board, Arabs and Jews have co-operated in furtherance of a common interest.

124. Against the background of major and conflicting political objectives, however, these forms of co-operation are necessarily limited in scope and effectiveness. Their prospects of success have been and are determined by the complex of political and economic factors, internal and external to Palestine, which the application of a mandatory regime has brought about. Should these conditions be adjusted so as to permit the joint utilization of the resources of Palestine between the two peoples on a basis of national autonomy, the forces working for amicable relations between Arabs and Jews may yet become a significant factor in the future of Palestine.

#### D. THE CONFLICTING CLAIMS

125. The basic contentions of the Arab and Jewish claims are summarized separately in this section with a brief appraisal of each claim.

##### *The Jewish case*

126. The Jewish case, as herein considered, is mainly the case advanced by the Jewish Agency which, by the terms of the Mandate, has a special status with regard to Jewish interests in Palestine.

127. The Jewish case seeks the establishment of a Jewish State in Palestine, and Jewish immigration into Palestine both before and after the creation of the Jewish State subject only to the limitations imposed by the economic absorptive capacity of that State. In the Jewish case, the issues of the Jewish State and unrestricted immigration are inextricably interwoven. On the one hand, the Jewish State is needed in order to assure a refuge for the Jewish immigrants who are clamoring to come to Palestine from the displaced persons camps and from other places in Europe, North Africa and the Near East, where their present plight is difficult. On the other hand, a Jewish State would have urgent need of Jewish immigrants in order to affect the present great numerical preponderance of Arabs over Jews in Palestine. The Jewish case

frankly recognizes the difficulty involved in creating at the present time a Jewish State in all of Palestine in which Jews would, in fact, be only a minority, or in part of Palestine in which, at best, they could immediately have only a slight preponderance. Thus, the Jewish case lays great stress on the right of Jewish immigration, for political as well as humanitarian reasons. Special emphasis is therefore placed on the right of Jews to "return" to Palestine.

128. Aside from contentions based on biblical and historical sources as to this right, the Jewish case rests on the Balfour Declaration of 1917 and on the Mandate for Palestine, which incorporated the Declaration in its preamble and recognized the historic connection of the Jewish people with Palestine and the grounds for reconstituting the Jewish National Home there.

129. It is the Jewish contention that the mandatory Power in Palestine became a trustee for the specific and primary purpose of securing the establishment of the Jewish National Home by means of Jewish immigration, which must be facilitated, and by close settlement of the Jews upon the land, which must be encouraged subject to certain safeguards.

130. In their view, the Mandate intended that the natural evolution of Jewish immigration, unrestricted save by economic considerations, might ultimately lead to a commonwealth in which the Jews would be a majority.

131. They regard the pledges to the Jews in the Balfour Declaration and the Mandate as international commitments not to the Jews of Palestine alone, who were at the time only a small community, but to the Jewish people as a whole, who are now often described as the "Jewish nation".

132. They contend that there has been no change in conditions since these intentions were expressed, for the existence of an Arab majority was a fact well understood at the time when the legal and political commitments of the Mandate were originally made.

133. The Jews, it is urged, have built in Palestine on the basis of faith in the international pledges made to the Jewish people and they cannot be halted in midstream.

(a) The Jewish immigrants to Palestine, who are said to be merely returning to their home-land, are portrayed as having been primarily responsible for developing the economy of the country, for establishing an infant industry, for cultivating theretofore waste lands, for instituting irrigation schemes and for improving the standard of living of Palestine Arabs as



well as Jews.

(b) The immigrant Jews displace no Arabs, but rather develop areas which otherwise would remain undeveloped.

134. They contend that no time limit was suggested for immigration or settlement. The Mandate, it is claimed, was to be terminated only when its primary purpose, the establishment of the Jewish National Home, had been fulfilled. That Home will be regarded as having been established only when it can stand alone, for there can be no security for it unless it is free from Arab domination. Any proposed solution, therefore, should ensure the existence and continued development of the Jewish National Home in accordance with the letter and the spirit of the international pledges made.

(a) The establishment of the Jewish Home and State will, it is claimed, do no political injustice to the Arabs, since the Arabs have never established a government in Palestine.

(b) In the Jewish Home and State the Arab population, which, as a result of accelerated Jewish immigration will have become a minority population, will be fully protected in all its rights on an equal basis with the Jewish citizenry.

#### *Appraisal of the Jewish case*

135. Under the preamble of the Mandate, the Principal Allied Powers agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a mandatory Power the administration of the territory of Palestine. They also 'agreed that this mandatory should be responsible for putting into effect the Balfour Declaration. Article 2 of the Mandate made the mandatory responsible for placing the country under such political, administrative and economic conditions as would assure:

(a) The establishment of a Jewish National Home, as laid down in the preamble, and (b) The development of self-governing institutions.

The obligation to assure the establishment of a Jewish National Home was qualified by article 6. which made the mandatory Power responsible for the facilitation of immigration and the encouragement of dose settlement on the land.

136. There has been great controversy as to whether the obligations relating to the National Home and self-governing institutions were equal in weight, and also as to whether they

were consistent with each other. Opinions have been expressed that between these two obligations the Mandate recognizes no primacy in order of importance and no priority in order of execution, and that they were in no sense irreconcilable. According to other opinions, however, the primary purpose of the Mandate, as expressed in its preamble and in its articles, was to promote the establishment of a Jewish National Home, to which the obligation of developing self-governing institutions was subordinated.

137. The practical significance of the controversy was that, if the country were to be placed under such political conditions as would secure the development of self-governing institutions, these same conditions would in fact destroy the Jewish National Home. It would appear that, although difficulties were anticipated, when the Mandate was confirmed it was not dearly contemplated that these two obligations would prove mutually incompatible. In practice, however, they proved to be so. The conflict between Arab and Jewish political aspirations, intensified by the growth of Arab nationalism throughout the Arabic-speaking countries and by the growth of anti-Semitism in some European countries, excluded any possibility of adjustment which would allow the establishment of self-governing institutions. Had self-governing institutions been created, the majority in the country, who never willingly accepted Jewish immigration, would in all probability have made its continuance impossible, causing thereby the negation of the Jewish National Home.

138. It is part of the Jewish case that any restriction on immigration, other than economic considerations, is illegal and in violation of the provisions of the Mandate. Article 6 of the Mandate made the mandatory Power responsible for facilitating Jewish immigration under suitable conditions, while insuring that the rights and position of other sections of the population were not prejudiced. No other restriction was provided thereon.

139. By 1922, the mandatory construed article 6 to mean that Jewish immigration could not be so great in volume as to exceed whatever might be the economic capacity of the country to absorb new arrivals. This interpretation was accepted by the Executive of the Zionist Organization and, thus, by construction, a restriction of the general terms of the article was established.

140. The Jewish contention, that the Mandate intended that the natural evolution of Jewish immigration might ultimately lead to a commonwealth in which Jews would be a majority, raises the question as to the meaning of "National Home".

141. The notion of the National Home, which derived from the formulation of Zionist aspirations in the 1897 Basle program<sup>142/</sup> has provoked many discussions concerning its meaning, scope and legal character, especially since it has no known legal connotation and there are no precedents in international law for its interpretation. It was used in the Balfour Declaration and in the Mandate, both of which promised the establishment of a "Jewish National Home" without, however, defining its meaning. The conclusion seems to be inescapable that the vagueness in the wording of both instruments was intentional. The fact that the term "National Home" was employed, instead of the word "State" or "Commonwealth" would indicate that the intention was to place a restrictive construction on the National Home scheme from its very inception. This argument, however, may not be conclusive since "National Home", although not precluding the possibility of establishing a Jewish State in the future, had the advantage of not shocking public opinion outside the Jewish world, and even in many Jewish quarters, as the term "Jewish State" would have done.

142. What exactly was in the minds of those who made the Balfour Declaration is speculative. The fact remains that, in the light of experience acquired as a consequence of serious disturbances in Palestine, the mandatory Power, in a statement on "British Policy in Palestine," issued on 3 June 1922 by the Colonial Office, placed a restrictive construction upon the Balfour Declaration.<sup>143/</sup>

143. The statement recognized for the first time "the ancient historic connection" of the Jews with Palestine<sup>144/</sup>, and declared that they were in Palestine "as of right and not on sufferance". It, however, excluded in its own terms "the disappearance or subordination of the Arabic population, language or customs in Palestine" or "the imposition of Jewish nationality upon the inhabitants of Palestine as a whole", and made it clear that in the eyes of the mandatory Power, the Jewish National Home was to be founded in Palestine and not that Palestine as a whole was to be converted into a Jewish National Home.

144. It should be noted here that this construction, which restricted considerably the scope of the National Home, was made prior to the confirmation of the Mandate by the Council of the League of Nations<sup>145/</sup> and was formally accepted at the time by the Executive of the Zionist Organization, in its capacity as the "appropriate Jewish agency" provided for in article 4 of the Mandate.<sup>146/</sup>

145. Nevertheless, neither the Balfour Declaration nor the Mandate precluded the eventual creation of a Jewish State. The

Mandate in its Preamble recognized, with regard to the Jewish people, the "grounds for reconstituting their National Home". By providing, as one of the main obligations of the mandatory Power the facilitation of Jewish immigration, it conferred upon the Jews an opportunity, through large-scale immigration, to create eventually a Jewish State with a Jewish majority.

146. Both the Balfour Declaration and the Mandate involved international commitments to the Jewish people as a whole. It was obvious that these commitments were not limited only to the Jewish population of Palestine, since at the time there were only some 80,000 Jews there.

147. This would imply that all Jews in the world who wish to go to Palestine would have the right to do so. This view, however, would seem to be unrealistic in the sense that a country as small and poor as Palestine could never accommodate all the Jews in the world.

148. When the Mandate was approved, all concerned were aware of the existence of an overwhelming Arab majority in Palestine. More over, the King-Crane Report, among others, had warned that the Zionist program could not be carried out except by force of arms. It would seem clear, therefore, that the provisions of the Mandate relating to the Jewish National Home could be based only on the assumption that sooner or later the Arab fears would gradually be overcome and that Arab hostility to the terms of the Mandate would in time weaken and disappear.

149. This seems to have been the basic assumption, but it proved to be a false one, since the history of the last twenty-five years has established the fact that not only the creation of a Jewish State but even the continuation of the building of the Jewish National Home by restricted immigration could be implemented only by the use of some considerable force. It cannot be properly contended that the use of force as a means of establishing the National Home was either intended by the Mandate or implied by its provisions. On the contrary, the provisions of the Mandate should preclude any systematic use of force for the purpose of its application. In its preamble, the Mandate states that the Principal Allied Powers agreed to entrust Palestine to a mandatory Power for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations.<sup>147/</sup> The guiding principle of that Article was the well-being of peoples not yet able to stand by themselves.

150. It has been suggested that the well-being of the indigenous population of Palestine might be ensured by the unfettered development of the Jewish National Home, "Well-

being" in a practical sense, however, must be something more than a mere objective conception; and the Arabs, thinking subjectively, have demonstrated by their acts their belief that the conversion of Palestine into a Jewish State against their will would be very much opposed to their conception of what is essential to their well-being. To contend, therefore, that there is an international obligation to the effect that Jewish immigration should continue with a view to establishing a Jewish majority in the whole of Palestine, would mean ignoring the wishes of the Arab population and their views as to their own well-being. This would involve an apparent violation of what was the governing principle of Article 22 of the Covenant.

151. That the Jews have performed remarkable feats of development in Palestine cannot be denied. The fact remains, however, that there may be serious question as to the economic soundness of much of this achievement, owing to the reliance on gift capital and the political motivation behind many of the development schemes with little regard to economic considerations.

152. That Jews would displace Arabs from the land if restrictions were not imposed would seem inevitable, since, as land pressures develop, the attraction of Jewish capital would be an inducement to many Arabs to dispose of their lands. Some displacement of this nature has already occurred.

153. It would appear that the dear implication of the Jewish contention that the National Home can be safeguarded from Arab domination only when it can stand by itself is that an independent Jewish State in all or part of Palestine is the only means of securing the promise of the Mandate for a Jewish National Home. Even a binational State, on a parity basis, unless there were extensive international guarantees, would not seem to meet the Jewish contention.

154. The Jewish assurance that no political injustice would be done to the Arabs by the creation of a Jewish State in Palestine, since the Arabs have never established a government there, gains some support from the fact that not since 63 B.C., when Pompey stormed Jerusalem, has Palestine been an independent State. On the other hand, the fact remains that today in Palestine there are over 1,200,000 Arabs, two-thirds of the population, who oppose a Jewish State and who are intent on establishing an independent Arab State.

155. Any solution assuring the continued development of the Jewish National Home in Palestine would necessarily involve continued Jewish immigration, the postponement of independence, and also administration by a third party, at

least until the Jewish people become a majority there. Such absolutism would have to be enforced, in view of the opposition of the Arab population. Many Jews contend that, if given the opportunity, the Jews alone could defend a Jewish State. Even this, however, envisages the possibility of a violent struggle with the Arabs.

#### *The Arab case*

156. The Arab case as here set forth is based mainly on the contentions made by the representatives of the Arab Higher Committee before the first special session of the General Assembly and by the representatives of the Arab States at that session, at Beirut and Geneva.

The Arab case seeks the immediate creation of an independent Palestine west of the Jordan as an Arab State. It rests on a number of claims and contentions which are summarized below.

The Arabs emphasize the fact of an actual Arab numerical majority, in the ratio of two to one in the present population of Palestine.

157. They postulate the "natural" right of the Arab majority to remain in undisputed possession of the country, since they are and have been for many centuries in possession of the land. This claim of a "natural" right is based on the contention that the Arab connection with Palestine has continued uninterruptedly from early historical times, since the term "Arab" is to be interpreted as connoting not only the invaders from the Arabian Peninsula in the seventh century, but also the indigenous population which intermarried with the invaders and acquired their speech, customs and modes of thought in becoming permanently Arabized.

158. The Arabs further stress the natural desire of the Arab community to safeguard its national existence from foreign intruders, in order that it may "pursue without interference its own political, economic and cultural development.

159. The Arabs also claim "acquired" rights, based on the general promises and pledges officially made to the Arab people in the course of the First World War, including, in particular, the McMahon-Hussein correspondence of 1915-1916 and the Anglo-French Declaration of 1918. The "Hogarth-Messager", the Basset letter, and the "Declaration to the Seven" are regarded as 'further support for the Arab claim to an independent Palestine.

(a) In the Arab view, these undertakings, taken collectively, provide a firm recognition of Arab political rights in

Palestine which, they contend. Great Britain is under a contractual obligation to accept and uphold—an obligation thus far unfulfilled.

(b) It is also their contention that these promises and pledges of Arab freedom and independence were among the main factors inspiring the Arabs to revolt against the Ottoman Empire and to ally themselves with Great Britain and the other allies during the First World War.

160. The Arabs have persistently adhered to the position that the Mandate for Palestine, which incorporated the Balfour Declaration, is illegal. The Arab States have refused to recognize it as having any validity.

(a) They allege that the terms of the Palestine Mandate are inconsistent with the letter and spirit of Article 22 of the Covenant of the League of Nations for the following reasons:

(1) Although paragraph 4 of Article 22 stipulated that certain communities had reached a stage of development where their existence as "independent nations" could be provisionally recognized, subject only to a limited period of tutelage under a mandatory Power in the form of administrative advice and assistance until such time as these communities would be able to stand alone, the Palestine Mandate violated this stipulation by deliberately omitting immediate provisional recognition of the independence of the territory and by granting to the mandatory Power in article 1 of the Mandate "full powers of legislation and administration".

(2) The wishes of the Palestine community had not been "a principal consideration in the selection of the Mandatory", as provided for in Article 22, paragraph 4 of the Covenant.

(b) The principle and right of national self-determination were violated.

(c) The Arab States were not Members of the League of Nations when the Palestine Mandate was approved, and are not, therefore, bound by it.

161. Although the terms of the Palestine Mandate are, in the Arab view, illegal and invalid and, therefore, Jewish immigrants have had no legal right to enter the country during the period of the Mandate, the Arab position regarding such Jews is that their presence has to be recognized as a *de facto* situation.

*Appraisal of the Arab case*

162. That the Arab population is and will continue to be the numerically preponderant population in Palestine, unless offset by free "and substantial Jewish immigration, is undisputed. The Arab birth rate is considerably higher than the Jewish birth rate. Only large-scale Jewish immigration, strongly assisted by capital and efforts from outside Palestine, can provide the basis for the attainment of numerical parity between Arabs and Jews in the population.

163. The Arabs of Palestine consider themselves as having a "natural" right to that country, although they have not been in possession of it as a sovereign nation.

164. The Arab population, despite the strenuous efforts of Jews to acquire land in Palestine, at present remains in possession of approximately 85 per cent of the land. The provisions of the land transfer regulations of 1940, which gave effect to the 1939 White Paper policy, have severely restricted the Jewish efforts to acquire new land.

165. The Arabs consider that all of the territory - of Palestine is by Tight Arab patrimony. Although in an Arab State they would recognize the right of Jews to continue in possession - of land legally acquired by them during the Mandate, they would regard as a violation of their "natural" right any effort, such as partition, to reduce the territory of Palestine.

166. The desire of the Arab people of Palestine to safeguard their national existence is a very natural desire. However, Palestinian nationalism, as distinct from Arab nationalism, is itself a relatively new phenomenon, which appeared only after the division of the "Arab rectangle" by the settlement of the First World War. The National Home policy and the vigorous policy of immigration pursued by the Jewish leadership has sharpened the Arab fear of danger from the intruding Jewish population.

167. With regard to the promises and pledges made to the Arabs as inducement for their support of the Allies in the First World War, it is to be noted that apparently there is no unequivocal agreement as to whether Palestine was included within the territory pledged to independence by the McMahon-Hussein correspondence. In this connexion, since the question of interpretation was raised Great Britain has consistently denied that Palestine was among the territories to which independence was pledged.

168. These promises were examined in 1939 by a committee consisting of British and Arab representatives which was set up for that purpose during the Arab-British Conference on



Palestine. That committee considered the Mc-Mahon correspondence and certain subsequent events and documents which one party or the other regarded as likely to shed light on the meaning or intention of the correspondence. It examined, *inter alia*, the so-called Sykes-Picot Agreement, the Balfour Declaration, the "Hogarth Message", the "Declaration to the Seven", General Allenby's assurance to the Amir Feisal, and the Anglo-French Declaration of 7 December 1918.

169. In its report<sup>148/</sup> the committee stated that the Arab and the United Kingdom representatives had been "unable to reach agreement upon an interpretation of the correspondence".<sup>149/</sup> The United Kingdom representatives, however, informed the Arab representatives that the Arab contentions, as explained to the committee, regarding the interpretation of the correspondence, and especially their contentions relating to the meaning of the phrase "portions of Syria lying to the west of the districts of Damascus, Hama, Horns and Aleppo <sup>150/</sup> have greater force than has appeared hitherto".<sup>151/</sup> Moreover, the United Kingdom representatives informed the Arab representatives that "they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of 14 July 1915, and that unless Palestine was excluded from that area later in the correspondence, it must be regarded as having been included in the area in which Great Britain was to recognize and support the independence of the Arabs. They maintain that on a proper construction of the correspondence, Palestine was in fact excluded. But they agree that the language in which its exclusion was expressed was not so specific and unmistakable as it was thought to be at the time".<sup>152/</sup>

170. With regard to the various statements mentioned in paragraph 168, the above committee considered that it was beyond its scope to express an opinion upon their proper interpretation, and that such opinion could not in any case be properly formed unless consideration had also been given to a number of other statements made during the war. In the opinion of the committee, however, it was evident from these statements that "His Majesty's Government were not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which—upon any interpretation of the correspondence—His Majesty's Government have incurred towards those inhabitants as a result of the correspondence".<sup>153/</sup>

171. With regard to the "Hogarth Message", the Arab representatives explained that they relied strongly on a passage in the message delivered to King Hussein of the Hejaz

in 1918, to the effect that Jewish settlement in Palestine would be allowed only in so far as would be consistent with the political and economic freedom of the Arab population.

172. It is noteworthy that the "Hogarth Message" was delivered to King Hussein in January 1918, that is, two months after the Balfour Declaration was made. There is a dear difference between the Balfour Declaration itself, which safeguarded only the civil and religious rights of the existing non-Jewish communities, and the "Hogarth Message", which promised political freedom to the Arab population of Palestine.

173. A Memorandum presented by Amir Feisal to the Paris Peace Conference, however, would indicate that the special position of Palestine was recognized in Arab circles. He said:

"The Jews are very close to the Arabs in blood and there is no conflict of character between the two races. In principle we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world in difficulties. They would wish for the effective superposition of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country."

174. It was also Amir Feisal who, representing and acting on behalf of the Arab Kingdom of the Hejaz, signed an agreement with Dr. Weizmann, representing and acting on behalf of the Zionist Organization. In this agreement, Feisal, subject to the condition that the Arabs obtained independence as demanded in his Memorandum to the British Foreign Office of 4 January 1919, accepted the Balfour Declaration and the encouragement of Jewish immigration into Palestine. The Feisal-Weizmann agreement did not acquire validity, since the condition attached was not fulfilled at the time.

175. The Peel Commission, in referring to the matter, had noted in its report that "there was a time when Arab statesmen were willing to consider giving Palestine to the Jews, provided that the rest of Arab Asia was free. That condition was not fulfilled then, but it is on the eve of fulfilment now".

176. With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the "A" Mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there. Actually, it

may well be said that the Jewish National Home and the *sui generis* Mandate for Palestine run counter to that principle.

177. As to the claim that the Palestine Mandate violates Article 22 of the Covenant because the community of Palestine has not been recognized as an independent nation and because the mandatory was given full powers of legislation and administration, it has been rightly pointed out by the Peel Commission:

" (a) That the provisional recognition of certain communities formerly belonging to the Turkish Empire as independent nations is permissible; the words are can be provisionally recognized, not 'will' or 'shall';

" (b) That the penultimate paragraph of Article 22 prescribes that the degree of authority to be exercised by the mandatory shall be defined, at need, by the Council of the League;

" (c) That the acceptance by the Allied Powers and the United States of the policy of the Ball-four Declaration made it clear from the beginning that Palestine would have been treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sevres and by the Council of the League in sanctioning the Mandate."154/

178. With regard to the allegation that the wishes of the Palestine community had not been the principal consideration in the selection of the mandatory Power, it should be noted that the resolutions of the General Syrian Congress of 2 July 1919, in considering under certain conditions the possibility of the establishment of a mandate over the Arab countries, gave Great Britain as a second choice, the United States of America being the first. This choice was also noted by the King-Crane Commission.

179. There would seem to be no grounds for questioning the validity of the Mandate for the reason advanced by the Arab States. The terms of the Mandate for Palestine, formulated by the Supreme Council of the Principal Allied Powers as a part of the settlement of the First World War, were subsequently approved and confirmed by the Council of the League of Nations.

180. The spirit which prevailed at the creation of the Mandate for Palestine was explained by Lord Balfour at the opening of the eighteenth session of the Council of the League of Nations as follows:

"The mandates are not our creation. The mandates are neither

made by the League, nor can they, in substance, be altered by the League. . . .

"Remember that a mandate is a self-imposed limitation by the conquerors on the sovereignty which they obtained over conquered territories. It is imposed by the Allied and Associated Powers themselves in the interests of what they conceived to be the general welfare of mankind and they have asked the League of Nations to assist them in seeing that this policy should be carried into effect. But the League of Nations is not the author of the policy, but its instrument. It is not they who have invented the system of mandates; it is not they who have laid down the general lines on which the three classes of mandates are framed. Their duty, let me repeat, is to see, in the first place, that the terms of the mandates conform to the principles of the Covenant, and in the second place, that these terms shall, in fact, regulate the policy of the mandatory Powers in the mandated territories.

"Now, it is clear from this statement, that both those who hope and those who fear that what, I believe, has been called the Balfour Declaration is going to suffer substantial modifications, are in error. The fears are not justified; the hopes are not justified. . . . The general lines of policy stand and must stand."155/

### **CHAPTER III**

#### **RELIGIOUS INTERESTS AND HOLY PLACES**

1. The General Assembly has requested the Special Committee "to give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity".156/

2. The wording of the above request clearly indicates that the General Assembly had in mind not only the religious interests of the communities inhabiting Palestine, but also the religious interests of three faiths whose millions of believers are spread over the world. For those believers, Palestine is "Holy Land" because it is associated with the origin and history of their respective religions, because it contains sites and shrines which they hold in particular veneration, and because close to and associated with many of those sites and shrines there are religious, educational, and eleemosynary establishments which the communities concerned wish to preserve.

3. The termination of the present regime in Palestine will raise once more the difficult problem of the care of the Holy Places, which confronted the first British High Commissioner

(Lord Samuel).

He has described the problem as follows:157/

"All the chief shrines sacred to Christendom are here; Islam sends pilgrims to mosques in Palestine which rank next only to the Kaaba at Mecca and the Tomb at Medina; there are spots round which are entwined the strongest affections of Judaism. The access to these places, their ownership and care, have given rise to controversies through the centuries. Local disputes have often caused disturbances; the support, given by great Powers, to one party or another, has been a factor in diplomacy, and sometimes a contributory cause of enmity and of war. A new authority was now charged with the Government of Palestine. What effect would this have upon the guardianship of the Holy Places.

"The Mandate, in its thirteenth article, gave a clear direction. By it the mandatory assumed full responsibility, and undertook to preserve existing rights and the free exercise of worship, subject, of course, to the requirements of public order and decorum. The duty of the Administration, therefore, was to secure the observance of the *status quo*.

"But what if there were disputes as to the nature of the existing rights? Here also the Mandate intended that provision should "be made of a means of solution . . .".

4. The "means of solution" was provided by article 14 of the Mandate. The mandatory Power was to appoint, subject to the approval of the Council of the League of Nations, a special commission "to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine".

5. No agreement could, however, be reached in the Council of the League of Nations on the constitution of the proposed special commission. Objections raised by religious authorities or by Powers represented on the Council of the League frustrated every effort to effect a compromise. That failure provides an additional proof of the difficulty of the problem of religious interests in Palestine. Any new procedure raises suspicions and objections.

6. In the absence of the special commission for which article 14 of the Mandate provided, the responsibility of settling difficulties and disputes connected with existing rights devolved entirely upon the Government. The Palestine (Holy Places) Order in Council of 1924 with-drew from the law courts .of Palestine any "cause or matter in connection with the Holy

Places or religious buildings or sites in Palestine or the rights or claims relating to the different religious communities of Palestine". Jurisdiction was vested in the High Commissioner, whose decisions were "final and binding on all parties".

7. The claims in connection with the Holy Places, religious buildings or sites, or religious communities have been determined by the mandatory Government on the basis of rights and practice existing during the Ottoman regime. When the Government's decision has not been accepted, a formal protest has been made by the interested community and it has been recorded that no change in the *status quo* was held to have occurred.

8. As regards the Christian Holy places, century long controversies between Powers sponsoring the respective Roman Catholic and Greek Orthodox interests were settled on the basis of the *status quo* at the end of the Crimean War; but they were not settled between the religious communities themselves. The report of the international commission appointed by the British Government, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Wailing Wall<sup>159</sup>/ summarizes as follows the history of the establishment of the *status quo* and its present application as regards the Christian Holy Places:

"At the conclusion of peace (in 1855, after the Crimean War) the matters in dispute being still left undecided were submitted to the signatory Powers, who undertook to guarantee in every respect the *status quo ante bellum*. The question of the protection of the Holy Places was again discussed during the peace negotiations at the conclusion of the Russo Turkish War (1878). At that time it was held down in the Peace Treaty itself that no alterations were to be made in the *status quo* without the consent of the signatory Powers. In 1878 as well as in 1855 indications as to the administration of the *status quo* were based upon the same rules as those that had been proclaimed in the decree [*fireman*] issued by the Sultan of Turkey in 1852, which were in conformity in the main with a preceding *firman* of 175. ..

"As apportioned between the three principal Christian rites, viz., the Orthodox Greek Rite, the Latin (or Roman Catholic) Rite, and the Armenian Orthodox Rite, the Holy Places and their component parts may be classified into the following categories:

(a) Certain parts which are recognized as property common to the three rites in equal shares.

(b) Other parts as to which one rite claims exclusive *jurisdiction*, while other rites claim joint *proprietorship*.

(c) Parts as to which the ownership is in dispute between two of the rites.

(d) Finally, parts the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to censer or to carry out ritual services up to a limited extent in other ways . . .

"Certain strict principles are adhered to in the administration of the *status quo*. Thus, ... a right granted to hang up a lamp or a picture or to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question ...

"It is easy to understand that the application of 'rights' of this nature must lead to great difficulties and often to litigation, especially as each alteration *de facto* in the prevailing practice might serve as a proof that the legal position has been altered. Therefore, the Administration has had a difficult task both in ascertaining and in maintaining "the *status quo*. In controverted cases the objects in dispute have been sometimes allowed to fall, into decay rather than risk the possibility that any alteration of the balance of power between the contestant rites should be permitted to ensue. Hence, if the carrying out of repairs becomes urgent, it devolves upon the Administration to have them attended to, supposing it proves not to be possible in the individual case for the parties concerned to come to an amicable agreement."

9. The *status quo*—as far as it has been possible to ascertain what that consists in—has also been applied by the 'Palestine Administration as regards Moslem or Jewish sacred places and sites, which have been objects of dispute between Arabs and Jews, particularly the Wailing Wall at Jerusalem and Rachel's Tomb near Bethlehem.

10. It must be noted that in disputes between the Christian communities, as well as between the Moslem and Jewish communities, the mandatory Administration, like its predecessor, the Ottoman Government, possessed the police forces necessary to impose its decisions and generally to prevent religious disputes from resulting in religious strife.

11. Besides article 13, relating to the Holy Places, the following articles of the Mandate also bear upon the question of the religious interests in Palestine of Islam, Judaism and Christianity:

(a) Article 9(2) provides that "respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of *Wagfs*<sup>160</sup>/ shall be exercised in accordance with religious law and the dispositions of the founders".

(b) Article 15 (1) provides that "the mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all".

(c) The right of each community to maintain its own schools is contained in paragraph 2 of article 15, as if the drafters -of the Mandate had considered that in the Holy Land of three religions the right to maintain schools was also a religious right, like "freedom of conscience" and the "free exercise of all forms of worship". Paragraph 2 of article 15 reads as follows:

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired."

(d) Article 16 provides that "the mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality".

(e) Article 28 provides that "in the event of the termination of the Mandate" the Council of the League of Nations "shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under the guarantee of the League, the rights secured by articles 13 and 14" of the Mandate.

(f) The Mandate not only provides for arrangements with a view to "safeguarding in perpetuity" the rights in connection with the Holy Places and religious buildings or sites and the free exercise of worship; it also stipulates that, at its expiration, the privileges and immunities of foreigners, as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall be immediately reestablished in so far as they have not been previously renounced (article 8, paragraph 2).



Such privileges and immunities applied in particular to Christians and to their religious establishments, schools, convents, hospitals, etc.

12. The reestablishment of capitulations in Palestine would 'now be an anachronism, and the Powers concerned will probably agree that another solution must be found for the protection of foreigners and of their religious interests.

13. It may be contemplated that the new State (or States) which will be created in Palestine will be ready to accept undertakings aimed at preserving existing rights as regards the Holy Places and other religious interests. Such undertakings may be embodied in the constitution (or constitutions) of the new State (or States). With a view to maintaining religions peace in Palestine, it may be useful to stipulate that such undertakings will be guaranteed internationally. Any dispute connected with existing rights of a religious character between a Palestinian State and another State which is not settled by diplomacy might, for instance, be referred for decision by either party to the International Court of Justice.

#### **CHAPTER IV**

##### **THE MAIN PROPOSALS PROPOUNDED FOR THE SOLUTION OF THE PALESTINE QUESTION**

###### *General*

1. Proposals for the solution of the Palestine question propounded at various times by official and unofficial sources during the past decade may be broadly classified as of three main categories:

(i) The partition of Palestine into two independent States, one Arab and one Jewish, which might either be completely separate or linked to the extent necessary for preserving, as far as possible, economic unity;

(ii) The establishment of a unitary State (with an Arab majority, unless a Jewish majority is created by large-scale Jewish immigration);

(iii) The establishment of a single State with a federal, cantonal or binational structure, in which the minority would, by such political structure, be protected from the fear of domination.

2. The following is a brief summary of the main proposals which have been put forward, including those advanced prior to

the creation of this Committee as well as those submitted to it.

*Main proposals of commissions and British Government plans prior to the creation of the Committee*

3. *The Royal (Peel) Commission, 1937*: Partition was recommended for the first time by the Royal Commission, and was regarded by it as the only solution which offered any possibility for ultimate peace. While not intending that the principle of partition should stand or fall with its specific proposals, the Commission submitted a map on which the whole of Galilee, the Plain of Esdraelon and Jeneel and the Maritime Plain as far south as Isdud were allocated to the Jewish State. The greater part of Palestine to the south and east of this line would constitute the Arab area, to be united with Transjordan. Jerusalem and Bethlehem, with a corridor reaching the sea at Jaffa, and also Nazareth, would remain under British Mandate.

4. *The Partition (Woodhead) Commission, 1938*, rejected the partition plan of the Royal Commission upon finding that the Jewish State contemplated by that plan, after certain modifications of the proposed frontier which its security would necessitate, would contain an Arab minority amounting to 49 per cent of the total population. The four commissioners could not, however, agree on any other partition scheme. One concluded that no form of partition was practicable. The chairman and another member recommended a plan according to which the Jewish State would have consisted of a strip of territory in the northern part of the Maritime Plain, approximately 75 kilometres in length, but restricted by an Arab enclave at Jaffa and a corridor connecting with the Mediterranean a Jerusalem enclave under Mandate. The Arab State would consist of the remainder of Palestine except Galilee and the sub-district of Beersheba, which would be administered by the mandatory until the Arab and Jewish populations could agree on their final destination. An essential feature of the plan was a customs union of the Arab State, the Jewish State and the territories under Mandate. The fourth member of the commission recommended the addition to the Jewish State proposed by the chairman and another member of the valleys of Esdraelon and Jezreel with lakes Huleh and Tiberias.

5. *The Anglo-American Committee of Inquiry, 1946*, expressed the view that "now and for some time to come any attempt to establish either an independent Palestinian State or independent Palestinian States would result in civil strife such as might threaten the peace of the world." This committee accordingly recommended that Palestine should continue to be

administered under the Mandate pending the execution of a Trusteeship Agreement, and also recommended that the constitutional future of Palestine should be based on three principles:

"I. That Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine;

"II. That Palestine shall be neither a Jewish State nor an Arab State;

"III. That the form of government ultimately to be established shall, under international guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths." The concrete recommendations of the Anglo-American Committee of Inquiry concerned the immediate future (revocation of the land transfer regulations of 1940 and authorization of 100,000 immigration certificates to be awarded in so far as possible in 1946).

6. *Plan for Provincial Autonomy, 1946*: This plan (generally known as the Morrison plan) aimed at putting into effect the recommendation of the Anglo-American Committee of Inquiry "that Palestine shall be neither a Jewish State nor an Arab State". The greater part of Palestine would be divided into an Arab province and a Jewish province, the latter including almost the entire area on which Jews had already settled, together with a considerable area between and around the settlements. Each province would have an elected legislature and an executive. Jerusalem and Bethlehem, together with the Negev, would remain under the direct Control of the representative of the British Government acting as trustee for Palestine in virtue of a United Nations Trusteeship Agreement. The way was left open for future development, either towards an independent federal State or towards partition with the Arab and Jewish provinces becoming independent States whose boundaries could not be modified except by mutual consent. It was contemplated that the adoption of this plan would make it possible to admit immediately 100,000 Jewish immigrants into Palestine, as the Anglo-American Committee had recommended, and to continue immigration into the Jewish province, subject to the final control of the Central Government (the High Commissioner, assisted by his nominated Executive Council).

7. *Cantonization Plan, 1947*: This plan (generally known as the Bevin plan) provided for a five-year period of British trusteeship, with the object of preparing the country for independence. Areas of local administration would be so delimited as to include a substantial majority either of Jews or Arabs. Each area would enjoy a considerable measure of local autonomy. The High Commissioner would be responsible for protecting minorities. At the centre, he would endeavour to form a representative Advisory Council. At the end of four

years, a Constitutional Assembly would be elected. If agreement was reached between a majority of the Arab representatives and a majority of the Jewish representatives in this Assembly, an independent State would be established. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon future procedure. As regards immigration, the plan provided for the admission of 96,000 Jews during the first two years. Thereafter, the rate of entry would be determined by the High Commissioner in consultation with his Advisory Council. In the event of disagreement, the final decision would rest with an arbitration tribunal appointed by the United Nations.

#### *Proposals Submitted to the Committee*

8. *Jewish Organizations.* Most Jewish organizations in Palestine and abroad which submitted written or oral statements to the Special Committee agreed with the Jewish Agency for Palestine and the Vaad Leumi in demanding the creation of a Jewish State. Divergencies exist between the organizations which demand that the whole of Palestine should become a Jewish State and those which would accept partition, provided the territory allotted to the Jewish State permitted the settlement of a large number of new immigrants. The opposition to the creation of a Jewish State is represented by a minority. In Palestine, the Ihud (Union) Association and the Hashomer Hatzair Workers' Party are in favour of a "binational" State in which the two communities would have equal status and political parity. The Communist Party proposes a democratic Arab-Jewish State which might be binational or federative. In the United States, opposition to Zionism is voiced by the American Council for Judaism, which opposes proposals to establish a Jewish State. In its view, such proposals are a threat to the peace and security of Palestine and its surrounding area, are harmful to the Jews in Palestine and throughout the world, and are also undemocratic.

9. The position of the Jewish Agency for Palestine, which represents the opinion of the majority of organized Jewry in the fountry, supports the programme defined by the last Congress of the Zionist Organization (Basle, 1947) as follows:

" (a) That Palestine be established as a Jewish commonwealth integrated in the structure of the democratic world;

" (b) That the gates of Palestine be opened to Jewish immigration;

" (c) That the Jewish Agency be vested with the control of immigration into Palestine and the necessary authority for the upbuilding of the country."

10. As regards partition, the Political Survey 1946-1947, submitted to the Committee by the Jewish Agency states on page 71:

"... A solution on partition lines, if it is to be at all acceptable, can hardly be regarded as other than a *pis aller*. . . . Any solution of the Palestine problem which may be proposed will be judged by the Jewish people by reference to whether it ensures large-scale immigration and settlement and leads without delay to the establishment of the Jewish State."

11. *The Arab States*. The representatives of the Arab States at Beirut put forward much the same constitutional proposals for the future government of Palestine as those advanced by the Arab States' delegations to the Palestine Conference at London in September 1946. In summary, those recommendations were:

(a) That Palestine should be a unitary State, with a democratic constitution and an elected legislative assembly,

(b) That the constitution should provide, *inter alia*, guarantees for (i) the sanctity of the Holy Places and, subject to suitable safeguards, freedom of religious practice in accordance with *the status quo*; (ii) full civil rights for all Palestine citizens, the naturalization requirement being ten years' continuous residence in the country; (iii) protection of religious and cultural rights of the Jewish community, such safe-guards to be altered only with the consent of the majority of the Jewish members in the legislative assembly,

(c) That the constitution should provide also for (i) adequate representation in the legislative assembly of all important communities, provided that the Jews would in no case exceed one-third of the total number of members; (ii) the strict prohibition of Jewish immigration and the continuation of the existing restrictions on land transfer, any change in these matters requiring the consent of a majority of the Arab members of the legislative assembly; (iii) the establishment of a Supreme Court which would be empowered to determine whether any legislation was inconsistent with the constitution.

12. The Arab plan envisaged that a constitution along these lines should be brought into being after a short period of transition under British Mandate. During the transition period, the High Commissioner would first establish, by nomination, a provisional government consisting of seven Arab and three Jewish ministers. The High Commissioner "would retain a power of veto throughout the transition period. The

provisional government would arrange for the election of a constituent assembly of sixty members, to which it would submit a draft constitution. If within six months the constituent assembly failed to agree on the constitution, the provisional government would enact it itself. When the constitution had been adopted, the first head of the independent Palestine State would be appointed, the Mandate would be terminated, and a treaty of alliance concluded between the United Kingdom and the State of Palestine. The plan should be completed with the least possible delay, notwithstanding the non-cooperation of any section of Palestine citizenry.

### *Recapitulation*

13. All the proposed solutions have aimed at resolving, in one manner or another, the Palestinian dilemma: the reconciliation of two diametrically opposed claims, each of which is supported by strong arguments, in a small country of limited resources, and in an atmosphere of great and increasing political and racial tension and conflicting nationalisms.

14.' Some of the solutions advanced have been more in the nature of palliatives than solutions. Confronted with the virtual certainty that no solution could ever be devised that would fully satisfy both conflicting parties, and probably not even one party except at the expense of determined opposition by the other, arrangements have at times been suggested such as the continuation of the Mandate or the establishment of a Trusteeship, which, in the nature of the case, could only be temporary.

15. It is not without significance that only since the rise of nazism to power in Germany, with the resultant mass movement of Jews to Palestine, has the Palestine question become sufficiently acute to require the devising of solutions outside the framework of the normal evolution of an "A" Mandate. Thus, all of the significant solutions devised for Palestine are of comparatively recent origin.

16. Every practicable solution today, even the most extreme, is confronted with the actual fact that there are now in Palestine more than 1,200,000 Arabs and 600,000 Jews, who, by and large, are from different cultural milieux, and whose outlook, languages, religion and aspirations are separate.

17. The most simple solutions, naturally enough, are the extreme solutions, by which is meant those which completely reject or ignore, or virtually so, the claims and demands of one or another party, while recognizing in full the claims of the other. The Special Committee has rejected such solutions.

## CHAPTER V RECOMMENDATIONS (I)

### INTRODUCTORY STATEMENT

1. The Committee held a series of informal discussions during its deliberations in Geneva as a means of appraising comprehensively the numerous aspects of the Palestine problem. In these discussions the members of the Committee debated at length and in great detail the various proposals advanced for its solution.

2. In the early stages of the discussions, it became apparent that there was little support for either of the solutions which would take an extreme position, namely, a single independent State of Palestine, under either Arab or Jewish domination. It was dear, therefore, that there was no disposition in the Committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of this report. It was recognized by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other.

3. At its forty-seventh meeting on 27 August 1947, the Committee formally rejected both of the extreme solutions. In taking this action the Committee was fully aware that both Arabs and Jews advance strong claims to rights and interests in Palestine, the Arabs by virtue of being for centuries the indigenous and preponderant people there, and the Jews by virtue of historical association with the country and international pledges made to them respecting their rights in it. But the Committee also realized that the crux of the Palestine problem is to be found in the fact that two sizeable groups, an Arab population of over 1,200,000 and a Jewish population of over 600,000, with intense nationalist aspirations, are diffused throughout a country that is arid, limited in area, and poor in all essential resources. It was relatively easy to conclude, therefore, that since both groups steadfastly maintain their claims, it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.

4. Following the rejection of the extreme solutions in its informal discussions, the Committee devoted its attention to the binational State and cantonal proposals. It considered both, but the members who may have been prepared to consider these proposals in principle were not impressed by the workability of either. It was apparent that the binational solution, though attractive in some of its aspects, would have

little meaning unless provision were made for numerical or political parity between the two population groups, as provided for in the proposal of Dr. J. L. Magnes. This, however, would require the inauguration of complicated mechanical devices which are patently artificial and of dubious practicality.

5. The cantonal solution, under the existing conditions of Arab and Jewish diffusion in Palestine, might easily entail an excessive fragmentation of the governmental processes, and in its ultimate result, would be quite unworkable.

6. Having thus disposed of the extreme solutions and the binational and cantonal schemes, the members of the Committee, by and large, manifested a tendency to move toward either partition qualified by economic unity, or a federal-State plan. In due course, the Committee established two informal working groups, one on partition under a confederation arrangement and one on the federal State, for the purpose of working out the details of the two plans, which in their final form are presented in Chapters VI and VII of this report, with the names of the members who supported them.

7. As a result of the work done in these working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as evidenced in the forty-seventh meeting of the Committee. On the basis of this measure of agreement, a drafting sub-committee was appointed to formulate specific texts.

8. In the course of its forty-ninth meeting on 29 August 1947, the Committee considered the report of the drafting sub-committee, and unanimously approved eleven recommendations to the General Assembly, the texts of which are set forth in section A of this chapter. A twelfth recommendation, with which the representatives of Guatemala and Uruguay were not in agreement, appears in section B.

## **Section A. Recommendations approved unanimously**

### **RECOMMENDATION I. TERMINATION OF THE MANDATE**

*It is recommended that*

The Mandate for Palestine shall be terminated at the earliest practicable date.

*Comment*

Among the reasons for this unanimous conclusion are the following:



(a) All directly interested parties the mandatory Power, Arabs and Jews are in full accord that there is urgent need for a change in the status of Palestine. The mandatory Power has officially informed the Committee "that the Mandate has proved to be unworkable in practice, and that the obligations undertaken to the two communities in Palestine have been shown to be irreconcilable". Both Arabs and Jews urge the termination of the mandate and the grant of independence to Palestine, although they are in vigorous disagreement as to the form that independence should take.

(b) The outstanding feature of the Palestine situation today, is found in the clash between Jews and the mandatory Power on the one hand, and on the other the tension prevailing between Arabs and Jews. This conflict situation, which finds expression partly in an open breach between the organized Jewish community and the Administration and partly in organized terrorism and acts of violence, has steadily grown more intense and takes as its toll an ever-increasing loss of life and destruction of property.

(c) In the nature of the case, the Mandate implied only a temporary tutelage for Palestine. The terms of the Mandate include provisions which have proved contradictory in their practical application.

(d) It may be seriously questioned whether, in any event, the Mandate would now be possible of execution. The essential feature of the mandates system was that it gave an international status to the mandated territories. This involved a positive element of international responsibility for the mandated territories and an international accountability to the Council of the League of Nations on the part of each mandatory for the well being and development of the peoples of those territories. The Permanent Mandates Commission was created for the specific purpose of assisting the Council of the League in this function. But the League of Nations and the Mandates Commission have been dissolved, and there is now no means of discharging fully the international obligation with regard to a mandated territory other than by placing the territory under the International Trusteeship System of the United Nations.

(e) The International Trusteeship System, however, has not automatically taken over the functions of the mandates system with regard to mandated territories. Territories can be placed under Trusteeship only by means of individual Trusteeship Agreements approved by a two-thirds majority of the General Assembly.

(f) The most the mandatory could now do, therefore, in the event of the continuation of the Mandate, would be to carry out its administration, in the spirit of the Mandate, without being able to discharge its international obligations in accordance with the intent of the mandates system. At the time of the termination of the Permanent Mandates Commission in April 1946, the mandatory Power did, in fact, declare its intention to carry on the administration of Palestine, pending a new arrangement, in accordance with the general principles of the Mandate. The mandatory Power has itself now referred the matter to the United Nations.

## **RECOMMENDATION II. INDEPENDENCE**

*It is recommended that*

Independence shall be granted in Palestine at the earliest practicable date.

*Comment*

(a) Although sharply divided by political issues, the peoples of Palestine are sufficiently advanced to govern themselves independently.

(b) The Arab and Jewish peoples, after more than a quarter of a century of tutelage under the Mandate, both seek a means of effective expression for their national aspirations.

(c) It is highly unlikely that any arrangement which would fail to envisage independence at a reasonably early date would find the slightest welcome among either Arabs or Jews.

## **RECOMMENDATION III. TRANSITIONAL PERIOD**

*It is recommended that*

There shall be a transitional period preceding the grant of independence in Palestine which shall be as short as possible, consistent with the achievement of the preparations and conditions essential to independence.

*Comment*

(a) A transitional period preceding independence is clearly imperative. It is scarcely conceivable, in view of the complicated nature of the Palestine problem, that independence could be responsibly granted without a prior period of preparation.

(b) The importance of the transitional period is that it would

be the period in which the governmental organization would have to be established, and in which the guarantees for such vital matters as the protection of minorities, and the safeguarding of the Holy Places and religious interests could be ensured.

(c) A transitional period, however, would in all likelihood only serve to aggravate the present difficult situation in Palestine unless it were related to a specific and definitive solution which would go into effect immediately upon the termination of that period, and were to be of a positively stated duration, which, in any case, should not exceed a very few years.

#### RECOMMENDATION IV. UNITED NATIONS RESPONSIBILITY DURING THE TRANSITIONAL PERIOD

*It is recommended that*

During the transitional period the authority entrusted with the task of administering Palestine and preparing it for independence shall be responsible to the United Nations.

*Comment*

(a) The responsibility for administering Palestine during the transitional period and preparing it for independence will be a heavy one. Whatever the solution, enforcement measures on an extensive scale may be necessary for some time. The Committee is keenly aware of the central importance of this aspect of any solution, but has not felt competent to come to any conclusive opinion or to formulate any precise recommendations on this matter.

(b) It is obvious that a solution which might be considered intrinsically as the best possible and most satisfactory from every technical point of view would be of no avail if it should appear that there would be no means of putting it into effect. Taking into account the fact that devising a solution which will be fully acceptable to both Jews and Arabs seems to be utterly impossible, the prospect of imposing a solution upon them would be a basic condition of any recommended proposal.

(c) Certain obstacles which may well confront the authority entrusted with the administration during the transitional period make it desirable that a close link be established with the United Nations.

(d) The relative success of the authority entrusted with the administration of Palestine during the transitional period in creating the proper atmosphere and in carrying out the

necessary preparations for the assumption of independence will influence greatly the effectiveness of the final solution to be applied. It will be of the utmost importance to the discharge of its heavy responsibilities that, while being accountable to the United Nations for its actions in this regard, the authority concerned should be able to count upon the support of the United Nations in carrying out the directives of that body.

#### RECOMMENDATION V. HOLY PLACES AND RELIGIOUS INTERESTS

*It is recommended that*

In whatever solution may be adopted for Palestine,

A. The sacred character of the Holy Places shall be preserved and access to the Holy Places for purposes of worship and pilgrimage shall be ensured in accordance with existing rights, in recognition of the proper interest of millions of Christians, Jews and Moslems abroad as well as the residents of Palestine in the care of sites and buildings associated with the origin and history of their faiths.

B. Existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence.

C. An adequate system shall be devised to settle impartially disputes involving religious rights as an essential factor in maintaining religious peace, taking into account the fact that during the Mandate such disputes have been settled by the Government itself, which acted as an arbiter and enjoyed the necessary authority and power to enforce its decisions.

D. Specific stipulations concerning Holy Places, religious buildings or sites and the rights of religious communities shall be inserted in the constitution or constitutions of any independent Palestinian State or States which may be created.

*Comment*

(a) Palestine, as the Holy Land, occupies a unique position in the world. It is sacred to Christian, Jew and Moslem alike. The spiritual interests of hundreds of millions of adherents of the three great monotheistic religions are intimately associated with its scenes and historical events. Any solution of the Palestine question should take into consideration these religious interests.

(&) The safeguarding of the Holy Places, buildings and sites

located in Palestine should be a condition to the grant of independence.

#### **RECOMMENDATION VI. JEWISH DISPLACED PERSONS**

*It is recommended that*

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 are in assembly centers, will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem.

*Comment*

(a) The distressed Jews of Europe, together with the displaced persons generally, are a legacy of the Second World War. They are a recognized international responsibility. Owing however to the insistent demands that the distressed Jews be admitted freely and immediately into Palestine, and to the intense urge which exists among these people themselves to the same end, they constitute a vital and difficult factor in the solution.

(b) It cannot be doubted that any action which would ease the plight of the distressed Jews in Europe would thereby lessen the pressure of the Palestinian immigration problem, and would consequently create a better climate in which to carry out a final solution of the question of Palestine. This would be an important factor in allaying the fears of Arabs in the Near East that Palestine and ultimately the existing Arab countries are to be marked as the place of settlement for the Jews of the world.

(c) The Committee recognizes that its terms of reference would not entitle it to devote its attention to the problem of the displaced persons as a whole. It realizes also that international action of a general nature is already under way with regard to displaced persons. In view of the special circumstances of the Palestine question, however, it has felt justified in proposing a measure which is designed to ameliorate promptly the condition of the Jewish segments of the displaced persons as a vital prerequisite to the settlement of the difficult conditions in Palestine.

#### **RECOMMENDATIONS VII. DEMOCRATIC PRINCIPLES AND PROTECTION OF MINORITIES**

*It is recommended) that*

In view of the fact that independence is to be granted in

Palestine on the recommendation and under the auspices of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new State or States shall be basically democratic, i.e., representative, in character, and that this shall be a prior condition to the grant of independence. In this regard, the constitution or other fundamental law of the new State or States shall include specific guarantees respecting

A. Human rights and fundamental freedoms, including freedom of worship and conscience, speech, press and assemblage, the rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property; and

B. Full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters.

*Comment*

(a) The wide diffusion of both Arabs and Jews throughout Palestine makes it almost inevitable that, in any solution, there will be an ethnic minority element in the population. In view of the fact that these two peoples live physically and spiritually apart, nurture separate aspirations and ideals, and have widely divergent cultural traditions, it is important, in the interest of orderly society, and for the well-being of all Palestinians, that full safeguards be ensured for the rights of all.

(6) Bearing in mind the unique position of Palestine as the Holy Land, it is especially important to protect the rights and interests of religious minorities.

RECOMMENDATIONS VIII. PEACEFUL RELATIONS

*It is recommended that*

It shall be required, as a prior condition to independence, to incorporate in the future constitutional provisions applying to Palestine those basic principles of the Charter of the United Nations whereby a State shall;

A. Undertake to settle all international disputes in which it may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered; and

B. Accept the obligation to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations.

*Comment*

(a) A fundamental objective in the solution of the Palestine problem is to achieve a reasonable prospect for the preservation of peaceful relations in the Middle East.

(b) Taking into account the charged atmosphere in which the Palestine solution must be effected, it is considered advisable to emphasize the international obligations with regard to peaceful relations which an independent Palestine would necessarily assume.

*RECOMMENDATION IX. ECONOMIC UNITY*

In appraising the various proposals for the solution of the Palestine question, it shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples.

*Comment*

(a) It merits emphasis that the preservation of a suitable measure of economic unity in Palestine, under any type of solution, is of the utmost importance to the future standards of public services, the standards of life of its peoples, and the development of the country. Were the country less limited in area and richer in resources, it would be unnecessary to lay such stress on the principle of economic unity. But there are sound grounds for the assumption that any action which would reverse the present policy of treating Palestine as an economic unit particularly with regard to such matters as customs, currency, transportation and communications, and development projects, including irrigation, land reclamation and soil conservation—would not only handicap the material development of the territory as a whole but would also bring in its wake a considerable hardship for important segments of the population.

(b) Arab and Jewish communities alike would suffer from a complete severance of the economic unity of the country. Each of the two communities, despite the inevitable economic disruptions incident to the present state of affairs in Palestine, makes vital contributions to the economic life of

the country, and there is a substantial degree of economic interdependence between them.

(c) Despite the degree of separateness in the economic life of the Jewish and Arab communities in Palestine, the fact that unity exists in essential economic matters contributes to the material well-being of both groups. If that economic unity were not maintained in essentials people in all parts of the country would be adversely affected.

#### **RECOMMENDATION X. CAPITULATIONS**

*It is recommended that*

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, be invited by the United Nations to renounce any right pertaining to them to the reestablishment of such privileges and immunities in an independent Palestine.

*Comment*

(a) Article 9(1) of the Mandate for Palestine makes provision for a judicial system which "shall assure to foreigners, as well as to natives, a complete guarantee of their rights." It is especially significant, in this regard, that article 8 of the Mandate did not abrogate consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, but merely left them in abeyance during the Mandate.

(b) On the termination of the Mandate, therefore. States having enjoyed such rights prior to the Mandate will be in a position to aim the re-establishment of capitulations in Palestine, and may demand, in particular, as a condition for waiving such right, the maintenance of a satisfactory judicial system.

(c) The Committee takes the view that, since independence will be achieved in Palestine under the auspices of the United Nations, and subject to guarantees stipulated by the United Nations as a condition prior to independence, there should be no need for any State to re-assert its claim with respect to capitulation's.

#### **RECOMMENDATION XI. APPEAL AGAINST ACTS OF VIOLENCE**

*It is recommended that*



The General Assembly shall call on the peoples of Palestine to extend their fullest cooperation to the United Nations in its effort to devise and put into effect an equitable and workable means of settling the difficult situation prevailing there, and to this end, in the interest of peace, good order, and lawfulness, to exert every effort to bring to an early end the acts of violence which have for too long beset that country.

*Comment*

(a) The United Nations, being seized with the problem of Palestine, should exert every proper effort to secure there a climate as congenial as possible to the application of a solution of the problem, both as regards the transitional and post-transitional periods.

(b) The recurrent acts of violence, until very recently confined almost exclusively to • under-ground Jewish organizations, are not only detrimental to the well-being of the country, but will also so augment the tension in Palestine as to render increasingly difficult the execution of the solution to be agreed upon by the United Nations.

**Section B. Recommendation approved by substantial majority**

**RECOMMENDATION XII. THE JEWISH PROBLEM IN GENERAL**

(Two members of the Committee dissented from this recommendation and one recorded no opinion.)

*It is recommended that*

In the appraisal of the Palestine question, it be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

*Comment*

(a) Palestine is a Country of limited area and resources. It already has a considerable settled population which has an unusually high rate of natural increase. It is, therefore, most improbable that there could be settled in Palestine all the Jews who may wish to leave their present domiciles, for reasons of immediate displacement or distress, or actual or anticipated anti-Jewish attitudes in the countries in which they now reside.

(&) In any case, owing to the factors of time, limited transportation, and local ability to absorb, it could not be anticipated that Palestine alone could relieve the urgent plight of all of the displaced and distressed Jews.

(c) Further, serious account must-be taken of the certain resentment and vigorous opposition of the Arabs throughout the Middle East to any attempt to solve, at what they regard as their expense, the Jewish problem, which they consider to be an international responsibility.

(d) With regard to Jewish immigration into the Jewish areas of Palestine during the proposed transitional period, it is to be noted that provision for limited and controlled immigration during such period is made in both the partition and federal State proposals set forth in Chapters VI and VII respectively.

## **CHAPTER VI**

### **RECOMMENDATIONS (II)**

1. The Committee, sitting informally as a means of facilitating its deliberations on specific proposals, informally set up two small working groups to explore specific proposals with regard to a plan of partition involving economic union. One of these groups was known as the Working Group on Constitutional Matters; the other was the Working Group on Boundaries.

2. The Working Group on Constitutional Matters (Mr. Sandstorm, Mr. Blom, Mr. Granados, and Mr. Rand), in a series of informal meetings formulated a plan of partition with provisions for economic unity and constitutional guarantees. This plan was subsequently discussed and completed in joint discussions of these two working groups.

3. In the course of the forty-seventh meeting of the Committee on 27 August 1947, seven members of the Committee (Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay), expressed themselves, by recorded vote, in favour of the Plan of Partition with Economic Union, presented by the Working Group on Constitutional Matters.

4. The Plan of Partition with Economic Union is herewith reproduced.

It consists of the following three parts:

Part I. Partition with economic union

Part II. Boundaries

Part III. City of Jerusalem

PART I. Plan of partition with economic union justification

1. The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing

validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.

2. it is a fact that both of these peoples have their historic roots in Palestine, and that both make vital contributions to the economic and cultural life of the country. The partition solution takes these considerations fully into account.

3. The basic conflict in Palestine is a clash of two intense nationalisms. Regardless of the historic origins of the conflict, the rights and wrongs of the promises and counter promises and the international intervention incident to the Mandate, there are now in Palestine some 650,000 Jews and some 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests which render difficult full and effective political cooperation among them, whether voluntary or induced by constitutional arrangements.

4. Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations.

5. The partition solution provides that finality which is a most urgent need in the solution. Every other proposed solution would tend to induce the two parties to seek modification in their favour by means of persistent pressure. The grant of independence to both States, however, would remove the basis for such efforts.

6. Partition is based on a realistic appraisal of the actual Arab-Jewish relations in Palestine. Full political co-operation would be indispensable to the effective functioning of any single-State scheme, such as the federal State I proposal, except in those cases which frankly envisage either an Arab or a Jewish-dominated State.

7. Partition is the only means available by which political and economic responsibility can be placed squarely on both Arabs and Jews, with the prospective result that, confronted with responsibility for bearing fully the consequences of their own actions, a new and important element of political amelioration would be introduced. In the proposed federal-State solution, this factor would be lacking.

8. Jewish immigration is the central issue in Palestine today and is the one factor, above all others, that rules out the

necessary co-operation between the Arab and Jewish communities in a single State. The creation of a Jewish State under a partition scheme is the only hope of removing this issue from the arena of conflict.

9. It is recognized that partition has been strongly opposed by Arabs, but it is felt that that opposition would be lessened by a solution which definitively fixes the extent of territory to be allotted to the Jews with its implicit limitation on immigration. The fact that the solution carries the sanction of the United Nations involves a finality which should allay Arab fears of further expansion of the Jewish State.

10. In view of the limited area and resources of Palestine, it is essential that, to the extent feasible, and consistent with the creation of two independent States, the economic unity of the country should be preserved. The partition proposal, therefore, is a qualified partition, subject to such measures and limitations as are considered essential to the future economic and social well-being of both States. Since the economic self-interest of each State would be vitally involved, it is believed that the minimum measure of economic unity is possible, where that of political unity is not.

11. Such economic unity requires the creation of an economic association by means of a treaty between the two States. The essential objectives of this association would be a common customs system, a common currency and the maintenance of a country-wide system of transport and communications.

12. The maintenance of existing standards of social services in all parts of Palestine depends partly upon the preservation of economic unity, and this is a main consideration underlying the provisions for an economic union as part of the partition scheme. Partition, however, necessarily changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services.

One of the aims of the economic union, therefore, is to distribute surplus revenue to support such standards. It is recommended that the division of the surplus revenue, after certain charges and percentage of surplus to be paid to the City of Jerusalem are met, should be in equal proportions to the two States. This is an arbitrary proportion but it is considered that it would be acceptable, that it has the merit of simplicity and that, being fixed in this manner, it would be less likely to become a matter of immediate controversy. Provisions are suggested whereby this formula is to be

reviewed.

13. This division of customs revenue is justified on three grounds: (1) The Jews will have the more economically developed part of the country embracing practically the whole of the citrus-producing area which includes a large number of Arab producers; (2) the Jewish State would, through the customs union, be guaranteed a larger free trade area for the sale of the products of its industry; (3) it would be to the disadvantage of the Jewish State if the Arab State should 'be in a financially precarious and poor economic condition.

14. As the Arab State will not be in a position to undertake considerable development expenditure, sympathetic consideration should be given to its claims for assistance from international institutions in the way of loans for expansion of education, public health not other vital social services of a non-self-supporting nature.

15. International financial assistance would also be required for any comprehensive irrigation schemes in the interest of both States, and it is to be hoped that constructive work by the Joint Economic Board will be made possible by means of international loans on favourable terms.

## **Recommendations**

### *A. Partition and independence*

1. Palestine within its present borders, following a transitional period of two years from 1 September 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem, the boundaries of which are respectively described in Parts II and III below.

2. Independence shall be granted to each State upon its request only after it has adopted a constitution complying with the provisions of section B, paragraph 4 below, has made to the United Nations a declaration containing certain guarantees, and has signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

### *B. Transitional period and constitution*

1. During the transitional period, the present mandatory Power shall:

(a) Carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions and under such supervision as may be agreed upon

'between the United Kingdom and the United Nations, and if so desired, with the assistance of one or more Members of the United Nations;

(b) Take such preparatory steps as may be necessary for the execution of the scheme recommended;

(c) Carry out the following measures:

(1) Admit into the borders of the proposed Jewish State 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom are to be admitted on humanitarian grounds. Should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The responsibility for the selection and care of Jewish immigrants and for the organizing of Jewish immigration during the transitional period shall be placed in the Jewish Agency.

(2) The restrictions introduced by land regulations issued by the Palestinian Administration under the authority of the Palestine (Amendment) Order-in-Council of 25 May 1939 shall not apply to the transfer of land within the borders of the proposed Jewish State.

2. Constituent assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish States, respectively. The electoral provisions shall be prescribed by the Power administering the territory. Qualified voters for each State for this election shall be persons over twenty years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States, respectively.

Women may not and be elected to the constituent assemblies.

3. During the transitional period, no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Administration.

4. The constituent assemblies shall draw up the constitutions of the States, which shall embody chapters 1 and 2 of the Declaration provided for in C. below, and include *inter alia*, provisions for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature.

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered.

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association.

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to security considerations; provided that each State shall control residence within its borders.

(f) Recognize the rights of the Governor of the City of Jerusalem to determine whether the provisions of the constitution of the States in relation to Holy Places, religious buildings and sites within the borders of the States and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions in cases of disputes which may arise with respect to such Holy Places, buildings and sites; also accord to him full co-operation and such privileges and immunities as are necessary for the exercise of his functions in those States.

5. The constituent assembly in each State shall appoint a provisional government empowered to make the Declaration and sign the Treaty of Economic Union, provided for in C. and D. below.

On making the Declaration and signing the Treaty of Economic Union by either State, and upon approval by the General Assembly of the United Nations of such instruments as being in compliance with these recommendations, its independence as a sovereign State shall be recognized.

If only one State fulfils the foregoing conditions, that fact

shall forthwith be communicated to the United Nations for such action by its General Assembly as it may deem proper. Pending such action, the regime of Economic Union as recommended shall apply.

### *C. Declaration*

A Declaration shall be made to the United Nations by the Provisional Government of each proposed State before the interim administration is brought to an end. It shall contain *inter alia* the following clauses:

#### *General provision*

The stipulations contained in the Declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

## **CHAPTER 1**

### Holy Places, religious building and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
2. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.
3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.
4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.
5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions in cases of disputes which



may arise with respect to such Places, buildings, and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

## CHAPTER 2

### Religion and minority rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion or language.

2. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

3. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or eleemosynary bodies of any faith or to discriminate against any representative or member of them on the ground of his religion or nationality.

4. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired.

5. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.161/

6. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)162/ shall be allowed except for public purposes unless the land, suitable for agricultural purposes, has remained uncultivated and unused for not less than one year after written notice of utilization thereof has been given;

and upon an order made by the Supreme Court of the respective State approving the expropriation on the grounds of absence of sufficient reasons for the nonutilization thereof. In all

cases of expropriation full compensation as fixed by the Supreme Court, shall be paid previous to dispossession.

### **CHAPTER 3**

1. *Citizenship.* Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident; or, if resident in the City of Jerusalem, who sign a notice of intention provided in section B, paragraph 2 above, of the State mentioned in such notice, with full civil and political rights, provided that they do not exercise the option mentioned hereafter. Such persons, if over eighteen years of age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens, and if they exercise this option it will be taken to include their wives and children under eighteen years of age; provided that no person who has signed the notice of intention referred to in section B, paragraph 2 above shall have the right of option.

2. *International Conventions.* The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

3. *Financial Obligations.* The State shall, until its independence is recognized, respect and fulfill all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power, including the rights of public servants to pensions, compensation or gratuities, to be negotiated where necessary with the Government of the United Kingdom.

Commercial concessions heretofore granted in respect of any part of Palestine shall continue to be valid according to their terms, unless modified by agreement between the parties.

### **CHAPTER 4**

1. The provisions of Chapters 1 and 2 of this Declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this Declaration shall be referred, at the request of either Party, to the International Court of Justice, unless the Parties agree to another mode of settlement. .

#### *D, Economic union*

A treaty shall be entered into between the two States and signed simultaneously with the Declaration provided for in C. above. The treaty shall be binding at once without ratifications. It shall contain provisions to establish the Economic Union of Palestine and to provide for other matters of common interest.

##### *1. The Economic Union of Palestine*

The objectives of the Economic Union of Palestine shall be:

- (a) A customs union.
- (b) A common currency.
- (c) Operation in the common interest of railways, interstate highways, postal, telephone and telegraphic services; and the ports of Haifa and Jaffa.
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation.

There shall be established a Joint Economic Board, which shall consist of /three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations in the first instance for a term of three years.

The functions of the Joint Economic Board shall be to organize and administer, either directly or by delegation, the functions of the Economic Union.

The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem.

There shall be a common customs tariff with complete freedom-of trade between the States and the City of Jerusalem.

The tariff schedules shall be drawn up by a Tariff Commission consisting of representatives of each of the States in equal numbers. In case of disagreement or failure to approve any tariff schedule by a date to be, fixed, the matter shall be settled by the arbitration of the Joint Economic Board.

The following items shall be a first charge on the customs revenue:

- (a) The expenses of the customs service;
- (b) The administrative expenses of the Joint Economic Board;
- (c) The financial obligations of the Administration of Palestine consisting of: (i) the service of the outstanding public debt, (ii) the cost of superannuation benefits, now being paid or falling due in the future.

After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem, and the residue in equal proportion to the Jewish and Arab States. After a period of three years, the division shall be reviewable by the Joint Economic Board, which shall make such modifications as may be deemed necessary.

All international conventions and treaties affecting customs tariffs, communications and commercial matters generally, shall be entered into by both States.

## *2. Freedom of transit and visit*

The Treaty shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations;

provided that each State and the City shall control residence within their borders.

## *3. Termination, modification and interpretation of the Treaty*

The Treaty shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the Parties and such termination is assented to by the General Assembly of the United Nations.<sup>163/</sup>

During the initial ten-year period, the Treaty may not be modified except by consent of both Parties and with the approval of the General Assembly.<sup>164/</sup>

Any dispute relating to the application or the interpretation of the Treaty shall be referred, at the request of either Party, to the International Court of Justice, unless the Parties agree to another mode of settlement.

#### *E. Assets*

The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Immovable assets shall become the property of the government in the territory of which they are situated.

#### *F. Admission to membership in the United Nations*

Upon the recognition of the independence of the Arab and Jewish States, respectively, sympathetic consideration should be given to their application for admission to membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations.

#### A COMMENTARY ON PARTITION

The primary objectives sought in the foregoing scheme are, in short, political division and economic unity: to confer upon each group, Arab and Jew, in its own territory, the power to make its own laws, while preserving ^o both, throughout Palestine, a single integrated economy, admittedly essential to the well-being of each, and the same territorial freedom of movement to individuals as is enjoyed today. The former necessitates a territorial partition; the latter, the maintenance of unrestricted commercial relations between the States, together with a common administration of functions in which the interests of both are in fact inextricably bound together.

The territorial division with the investment of full political power in each State achieves, in turn, the desire of each for statehood and, at the same time, creates a self-operating control of immigration. Although free passage between the States for all residents is provided, each State retains exclusive authority over the acquisition of residence and this, with its control over land, will enable it to preserve the integrity of its social organization.

The Economic Union is to be administered by a Joint Economic Board, in the composition of which a parity of interest in the two States is recognized by equal representation from them. But in relation to such necessary and convenient services, day-to-day rulings are imperative; and since in the present circumstances it cannot be expected that in joint matters they

would easily agree, the principle of arbitral decision is introduced by adding to the Board three independent outside persons to be chosen by the United Nations. It is obvious that, while such a device is an accepted mode of adjusting economic disputes, it would be unacceptable as a general method of making political decisions. This limits, therefore, the functions with which the Board can be clothed and confines them to such neutral services as communications or to a function which, though carrying a political quality, is dictated by the necessities of the overriding interest of unity.

In these respects the scheme may be contrasted with that of the federal State presented by three members of the Committee. In the later, paramount political power, including control over immigration, is vested at the centre; but the attempt to introduce parity through equal representation in one chamber of the legislature is nullified by the predominance of Arab majority influence in the ultimate decision. But even were an independent element to be introduced, the administration would break down because of the wide political field in which it would operate. If that field were reduced to the subjects dealt with by the Board under the Economic Union scheme, apart from "the question of majority determination, the difference in substance between the two plans would lie in the failure of the federal scheme to satisfy the aspirations of both groups for independence.

The Arab State will organize the substantial majority of Arabs in Palestine into a political body containing an insignificant minority of Jews; but in the Jewish State there will be a considerable minority of Arabs. That is the demerit of the scheme. But such a minority is inevitable in any feasible plan which does not place the whole of Palestine under the present majority of the Arabs. One cannot disregard the specific purpose of the Mandate and its implications nor the existing conditions, and the safeguarding of political, civil and cultural rights provided by the scheme are as ample as can be devised.

But in the larger view, here are the sole remaining representatives of the Semitic race. They are in the land in which that race was cradled. There are no fundamental incompatibilities between them. The scheme satisfies the deepest aspiration of both: independence. There is a considerable body of opinion in both groups which seeks the course of cooperation. Despite, then, the drawback of the Arab minority, the setting is one from which, with good will and a spirit of cooperation, may arise a rebirth, in historical surroundings, of the genius of each people. The massive contribution made by them throughout the centuries in

religious and ethical conceptions, in philosophy, and in the entire intellectual sphere, should excite among the leaders a mutual respect and a pride in their common origin.

The Jews bring to the land the social dynamism and scientific method of the West; the Arabs confront them with individualism and intuitive understanding of life. Here then, in this close association, through the natural emulation of each other, can be evolved a synthesis of the two civilizations, preserving, at the same time, their fundamental characteristics. In each State, the native genius will have a scope and opportunity to evolve into its highest cultural forms and to attain its greatest reaches of mind and spirit. In the case of the Jews, that is really the condition of survival. Palestine will remain one land in which Semitic ideals may pass into realization.

At the same time there is secured, through the constitutional position of Jerusalem and the Holy Places, the preservation of the scenes of events in which the sentiments of Christendom also centre. There will thus be imposed over the whole land an unobjectionable interest of the adherents of all three religions throughout the world; and so secured, this unique and historical land may at last cease to be the arena of human strife.

Whether, however, these are vain speculations must await the future. If they are never realized, it will not, it is believed, be because of defects in the machinery of government that is proposed.

## PART II. Boundaries

### *Definition*

The plan envisages the division of Palestine into three parts: an Arab State, a Jewish State and the City of Jerusalem. The proposed Arab State will include Western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include Eastern Galilee, the Esdraelon plain, most of the coastal plain, and the whole of the Beersheba subdistrict, which includes the Negeb.

The three sections of the Arab State and the three sections of the Jewish State are linked together by two points of intersection, of which one is situated south-east of Afula in the sub-district of Nazareth and the other north-east of El Majdal in the sub-district of Gaza.

### *The Arab State*

Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras en Naqura to Qadas; on the east the boundary starting from Qadas passes southwards, west of Safad to the south-western corner of the Safad sub-district;

thence it follows the western boundary of the Tiberias sub-district to a point just east of Mount Tabor; thence southwards to the point of intersection south-east of Afula mentioned above. The south-western boundary of Western Galilee takes a line from this point, passing south of Nazareth and Shafr Amr, but north of Beit Lahm, to the coast just south of Acre.

The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the northern boundary of the Samaria district westwards to the point of intersection south-east of Afula, thence again westwards to Lajjun, thence in a south-western direction, passing just west of Tulkarm, east of Qalqilia and west of Majdal Yaba, thence bulging westwards towards Rishon-le-Zion so as to include Lydda and Ramie in the Arab State, thence turning again eastwards to a point west of Latrun, thereafter following the northern side of the Latrun-Majdal road to the second point of intersection, thence south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence following the southern boundary of the Hebron sub-district to the Dead Sea.

The Arab section of the coastal plain runs from a point a few miles north of Isdud to the Egyptian frontier, extending inland approximately eight kilometres.

### *The Jewish State*

The north-eastern sector of the proposed Jewish State (Eastern Galilee) will have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the east and will include the whole of the Huleh basin. Lake Tiberias and the whole of the Beisan sub-district. From Beisan the Jewish State will extend north-west following the boundary described in respect of the Arab State.

The Jewish sector on the coastal plain extends from a point south of Acre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area includes the whole of the Beersheba sub-



district, which includes the Negeb and the eastern part of the Gaza sub-district south of the point of intersection. The northern boundary of this area, from the point of intersection, runs south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, and thence follows the southern boundary of the Hebron sub-district to the Dead Sea.

### *The City of Jerusalem*

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem.

### *Justification*

In making its proposal for a plan of partition with economic union for Palestine, the members of the Committee supporting this plan are fully aware of the many difficulties of effecting a satisfactory division of Palestine into a Jewish and an Arab State. The main problems to be faced are the following:

#### *1. The problem of minorities*

The central inland area of Palestine includes a large Arab population and, leaving Jerusalem out of account, practically no Jews. This obviously is the main starting point in demarcating a possible Arab State. Further north, particularly in Western Galilee, and separated from the central area by a narrow belt of Jewish settlements, is another concentration of Arabs and very few Jews. These two areas form the main territory of an Arab State which has only a very small minority of Jews.

The Jewish State, on the other hand, has its centre and starting point in the coastal plain between Haifa and Tel Aviv and even in this area there is also a considerable number of Arabs. Extensions of this area in the most suitable directions to include a larger number of Jews as well as a larger land area, increase the proportion of Arabs to Jews in the Jewish State.

#### *2. The problem of viability*

The creation of two viable States is considered essential to a partition scheme.

#### *3. The problem of development*

A partition scheme for Palestine must take into account both the claims of the Jews to receive immigrants and the needs of the Arab population, which is increasing rapidly by natural

means. Thus, as far as possible, both partitioned States must leave some room for further land settlement.

#### 4. *The problem of contiguity*

It is obviously desirable to create States with continuous frontiers. Due to geographic and demographic factors, it is impossible to make a satisfactory partition without sacrificing this objective to some extent.

#### 5. *Access to the sea for the Arab State*

Even within the scheme for economic union, this is considered to be important for psychological as well as material reasons.

In solving this complex of problems, a compromise is necessary and in suggesting the boundaries upon which this partition scheme rests all these matters have been given serious consideration so that the solution finally reached appears to be the least unsatisfactory from most points of view.

The figures given for the distribution of the settled population in the two proposed States, as estimated on the basis of official figures up to the end of 1946, are approximately as follows: 166/

	Jews	Arabs and others	total
The Jewish State	498,000	407,000	905,000
The Arab State	10,000	725,000	735,000
City of Jerusalem	100,000	105,000	205,000

In addition there will be in the Jewish State about 90,000 Bedouins, cultivators and stock owners who seek grazing further afield in dry seasons.

The proposed Jewish State leaves considerable room for further development and land settlement and, in meeting this need to the extent that it has been met in these proposals, a very substantial minority of Arabs is included in the Jewish State. On the other hand. Western Galilee is attributed to the Arab State, providing it with some areas for further development and also giving it an outlet to the sea at the town of Acre. An outlet to the sea is also provided in the south by the inclusion of Gaza in the Arab State.

Nearly all previous attempts to draw partition maps for Palestine have been faced with the separation of the solid Arab population in Judea and Samaria from the Arab population in Galilee. To include the whole of Galilee in a Jewish State provides contiguous frontiers, but it also results in the

inclusion of the large Arab population of Western Galilee in the Jewish State and weakens the Arab State economically and politically by denying to it a developed Arab area. In the present partition scheme, these problems have been solved, by a definition of boundaries which provides two important links, one between Western Galilee and Samaria and one in the south near Gaza. These links are at suitable meeting places of the frontiers, and would consist of a small unbuilt area which would be a condominium. By this means it has been possible to include Western Galilee in the Arab State without the disadvantage of its being separated at all points from Samaria by the territory of the Jewish State.

The inclusion of the whole Beersheba sub-district in the Jewish State gives to it a large area, parts of which are very sparsely populated and capable of development, if they can be provided with water for irrigation. The experiments already carried out in this area by the Jews suggest that further development in an appreciable degree should be possible by heavy investment of capital and labour and without impairing the future or prejudicing the rights of the existing Bedouin population. The Negev south of latitude 31, though included in the Jewish State, is desert land of little agricultural value, but is naturally linked with the northern part of the sub-district of Beersheba.

Jaffa, which has an Arab population of about 70,000, is entirely Arab except for two Jewish quarters. It is contiguous with Tel Aviv and would either have to be treated as an enclave or else be included in the Jewish State. On balance, and having in mind the difficulties which an enclave involves, not least from the economic point of view, it was thought better to suggest that Jaffa be included in the Jewish State, on the assumption that it would have a large measure of local autonomy and that the port would be under the administration of the Economic Union.

#### A TECHNICAL NOTE ON THE VIABILITY OF THE PROPOSED PARTITION STATES PREPARED BY THE SECRETARIAT

On certain assumptions it may be possible in a given case to calculate roughly the order of magnitude of the loss or gain of revenue which an area might experience as a result of partition. Similar estimates might be made of expenditures necessary to maintain existing standards of social services and other normal budget expenditures, and a comparison of the two sets of figures would throw some light on the ability of the State in question to maintain these standards without large budget deficits. It should, of course, be made quite clear that this would not be in any sense a measure of an actual budgetary position, but merely a general indication of

the probability of the viability or non-viability of the area under consideration.

In the case of the plan for the partition of Palestine recommended in this report, as well as in the case of all previous partition plans which have been suggested, it is the viability of the Arab State that is in doubt. It is necessary, therefore, to examine the proposed Arab State from this point of view as carefully as conditions permit. Until the proposed boundaries are precisely defined, however, it would not be possible to assemble accurate information 'regarding the area. Therefore, in order to get a preliminary idea of the viability, as we have defined it, of the proposed Arab State a calculation was made in respect of the areas which it had been proposed should become Arab provinces in the provincial autonomy plan elaborated by the Government of the United Kingdom in 1946. Fairly complete statistics were available in regard to this particular plan of partition. As it happens, though the partition proposed by the members of this Committee differs in some very important respects from the provincial autonomy plan of the British Government, the area of the proposed Arab State is not very different in the two cases and, in regard to, actual resources, the differences are not very marked. The most important difference is in respect of the town of Jaffa, which in the British plan is part of the Arab State and in the present plan is part of the Jewish State. The estimated total population of the Arab States in the two cases is as follows:

British provincial autonomy plan 830,000  
Committee's proposed plan 730,000

The difference is mainly accounted for by the town of Jaffa, which has about 70,000 Arabs. Apart from the town of Jaffa, there are no important differences in economic resources of the Arab areas in the two plans.

The calculation has been made as follows. The budget estimates of the Palestine Administration for the year 1947-1948 both as regards revenue and expenditure have been taken as the sole basis of the calculation. Assuming the boundaries of the British scheme mentioned above, the expenditures have been partitioned between the State on a population basis. Some expenditure has been reserved to a central body, on the assumption that a customs union would be set up and that certain obligations for public debt and pensions would be met as charges on surplus revenue. Apart from this and a few small items, all the expenditure of the present Administration has been hypothetically divided among the States. This procedure is open to the objection that, in fact, in a partitioned State the items of expenditure might be different. This is true, but

it must be remembered that it cannot be known how such States would develop their policy, and our present assumption is that the same standard of public services is maintained. Actually there would be some increase in overhead expenditure in providing the same services in a partitioned Palestine, since partitioning would involve some duplication of administration. The difference on this account might not be very great, however.

No expenditure has been allocated to defence since the costs of external defence are at present borne by the British Government, and since expenditure for internal security, which is £.P.1 7,000,000 in the present estimates, has been added to the expenditures of the States in the present calculation.

The estimates of revenue for the year 1947-1948 have, with the exception of customs revenue and net income from the Currency Board, Posts and Telegraph, etc., been attributed to the two States on a territorial basis. In respect of land tax, animal tax, and about 75 per cent of income tax, it is possible, on the basis of figures supplied by the Palestine Government, to make this division fairly accurately. In other cases, it has been necessary to use an arbitrary assumption that the revenue would be in proportion to the population.

The summary results of this calculation are as follows:

*Jewish State £. P.167/*

Revenue (apart from customs) . .	4,878,000
Expenditure .....	8,418,000
Deficit .....	3,540,000

*Arab State*

Revenue (apart from customs) . .	1,560,000
Expenditure .....	9,324,000
Deficit ..	7,764,000

*City of Jerusalem*

Revenue (apart from customs) . .	1,098,000
Expenditure ..	3,004,000
Deficit .....	1,906,000
Combined deficit .....	13,210,000

Net revenue of customs and other joint services.....	11,996,000
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The net revenue of joint services is available for distribution between the two States and the City of Jerusalem but falls short of the combined deficits by just over one and one-quarter million pounds. This, however, is not important in the present discussion since it is merely the consequence of basing the calculations on the actual estimates of the present

Palestine Administration. It should be noted that in the present administration budget there are expenditures of £.P. 7,000,000 on police and security and about £.P. 2,000,000 on subsidies designed to keep the cost of living down. Police expenditure should certainly be substantially reduced in the event of a settlement of the Palestine problem, and it is also possible that some saving could be made in regard to food subsidies since the necessity for them would be less in an Arab State which would contain a large number of self-sufficient cultivators and relatively few industrial wage-earners. In this case the expenditure attributed to the Arab State on this basis might be capable of reduction by as much as £.P. 3,000,000. Reductions on police expenditure should, of course, also be possible for the other two areas. On the side of revenue, it is possible that income tax yields could be increased in the area of the proposed Arab State.

It is in the light of these consideration? that the members of the Committee, in proposing their partition scheme with economic union, have made their particular recommendations for the distribution of the customs revenue. By this means the members of the Committee supporting the partition plan believe that the viability of the Arab State could be reasonably assured.

The Committee is satisfied that, in the sense defined, the proposed Jewish State and the City of Jerusalem would be viable.

### PART III. City of Jerusalem

#### *Justification*

1. The proposal to place the City of Jerusalem under international trusteeship is based on the following considerations.
2. Jerusalem is a Holy City for three faiths. Their shrines are side by side; some are sacred to two faiths. Hundreds of millions of Christians, Moslems and Jews throughout the world want peace, and especially religious peace, to reign in Jerusalem; they want the sacred character of its Holy Places to be preserved and access to them guaranteed to pilgrims from abroad.
3. The history of Jerusalem, during the Ottoman regime as under the Mandate, shows that religious peace has been maintained in the City because the Government was anxious and had the power to prevent controversies involving some religious interest from developing into bitter strife and disorder. The Government was not intimately involved in local

politics, and could, when necessary, arbitrate conflicts.

4. Religious peace in Jerusalem is necessary for the maintenance of peace in the Arab and in the Jewish States. Disturbances in the Holy City would have far-reaching consequences, extending perhaps beyond the frontiers of Palestine.

5. The application of the provisions relating to the Holy Places, religious buildings and sites in the whole of Palestine would also be greatly facilitated by the setting up of an international authority in Jerusalem. The Governor of the City would be empowered to supervise the application of such provisions and to arbitrate conflicts in respect of the Holy Places, religious buildings and sites.

6. The International Trusteeship System is proposed as the most suitable instrument for meeting the special problems presented by Jerusalem, for the reason that the Trusteeship Council, as a principal organ of the United Nations, affords a convenient and effective means of ensuring both the desired international supervision and the political, economic and social well-being of the population of Jerusalem.

#### *Recommendations*

1. The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority, in accordance with Article 81 of the Charter of the United Nations.

2. The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dir; the most southern Bethlehem; the most western Ein Karim and the most northern Shu'fat, as indicated on the attached sketch-map.

3. The Trusteeship Agreement in respect of the Holy Places, religious buildings and sites, and minorities, shall contain provisions similar to those contained in chapters 1 and 2 of the Declaration in the Plan of Partition with Economic Union. It shall also include, *inter alia*, the provisions set forth below:

(a) The City of Jerusalem shall be demilitarized, its neutrality shall be declared and preserved, and no paramilitary formations, exercises or activities shall be permitted within its borders.

(b) Persons residing in the City of Jerusalem, without

distinction as to ethnic origin, sex, language or religion, shall be ensured protection under its laws with regard to the enjoyment of human rights and fundamental freedoms, including freedom of worship, language, speech and publication, education, assembly and association.

(c) Residents of the City of Jerusalem, irrespective of nationality, may participate in the local elections of the City. They shall be subject to the jurisdiction of the City in respect of taxation and judicial proceedings.

(d) A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council. He shall be neither Arab nor Jew nor a citizen of the Palestine States nor, at the time of appointment, a resident of the City of Jerusalem.

(e) In addition to the Governor, there shall be such other executive, legislative and judicial organs, bodies and offices for governing the City as may be determined in the Trusteeship Agreement.

(f) The Governor, as chief administrative official of the City, shall be responsible, in such manner as the Trusteeship Agreement shall prescribe, for the conduct of the administration of the City. With relation to the Holy Places, religious buildings and sites in any part of Palestine, other than the City of Jerusalem, he shall determine whether the provisions of the constitution of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected. The protection of all such places, buildings and sites located in the City of Jerusalem shall be a special concern of his office. He shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different communities in respect of such Holy Places, religious buildings and sites in any part of Palestine.

(g) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the noncooperation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(h) The City of Jerusalem shall guarantee free transit and visit to residents of the Arab and Jewish States in Palestine, subject only to security considerations.

(i) The protection of the Holy Places, religious buildings and sites in the City of Jerusalem shall be entrusted to a special



police force, the members of which shall be recruited outside of Palestine and shall be neither Arab nor Jew. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this special force.

(j) The City of Jerusalem should be included in the economic Union of Palestine.

#### CHAPTER VII RECOMMENDATIONS (III)

1. In the course of the informal meetings of the Committee to explore solutions, a working group was set up to deal with the federal-State proposal.

2. The Working Group in the Federal State Solution (Sir Abdur Rahman, Mr. Emezam, Mr. Simic, and Mr. Atyeo) formulated a comprehensive proposal along these lines and it was voted upon and supported by three members (India, Iran, and Yugoslavia) at the forty-seventh meeting of the Committee on 27 August 1947.

3. The federal-State plan is herewith reproduced.

#### PLAN FOR A FEDERAL-STATE

##### *Justification for the federal-State solution*

1. It is incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

2. It is recognized that Palestine is the common country of both indigenous Arabs and Jews, that both these peoples have had an historic association with it, and that both play vital roles in the economic and cultural life of the country.

3. This being so, the objective is a dynamic solution which will ensure equal rights for both Arabs and Jews in their common State, and which will maintain that economic unity which is indispensable to the life and development of the country.

4. The basic assumption underlying the views herein expressed is that the proposal of Other members of the Committee for a union under artificial arrangements designed to achieve essential economic and social unity after first creating political and geographical disunity by partition, is impracticable, unworkable, and could not possibly provide for two reasonably viable States.

5. Two basic questions have been taken into account in appraising the feasibility of the federal-State solution, viz., (a) whether Jewish nationalism and the demand for a separate and sovereign Jewish State must be recognized at all, costs, and (b) whether a will to co-operate in a federal State could be fostered among Arabs and Jews. To the first, the answer is in the negative, since the well-being of the country and its peoples as a whole is accepted as out-weighting the aspirations of the Jews in this regard. To the second, the answer is in the affirmative, as there is a reasonable chance, given proper conditions, to achieve such co-operation.

6. It would be a tragic mistake on the part of the international community not to bend every effort in this direction. Support for the preservation of the unity of Palestine by the United Nations would in itself be an important factor in encouraging co-operation and collaboration between the two peoples, and would contribute significantly to the creation of that atmosphere in which the will to co-operate can be cultivated. In this regard, it is realized that the moral and political prestige of the United Nations is deeply involved.

7. The objective of a federal-State solution would be to give the most feasible recognition to the nationalistic aspirations of both Arabs and Jews, and to merge them into a single loyalty and patriotism which would find expression in an independent Palestine.

8. The federal State is also in every respect the most democratic solution, both as regards the measures required for its implementation and in its operation, since it requires no undemocratic economic controls, avoids the creation of national minority groups, and affords an opportunity for full and effective participation in representative government to every citizen of the State. This solution would be most in harmony with the basic principles of the Charter of the United Nations.

9. The federal-State solution would permit the development of patterns of government and social organization in Palestine which would be more harmonious with the governmental and social patterns in the neighbouring States.

10. Such a solution would be the one most likely to bring to an end the present economic boycotts, to the benefit of the economic life of the country.

11. Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this

regard, it is important to avoid an acceleration of the separatism which now characterizes the relations of Arabs and Jews in the Near East, and to avoid laying the foundations of a dangerous irredentism there, which would be the inevitable consequences of partition in whatever form. A Federal State solution, therefore, which in the very nature of the case must emphasize unity and co-operation, will best serve the interests of peace.

12. It is a fact of great significance that very few, if any, Arabs, are in favour of partition as a solution. On the other hand, a substantial number of Jews, backed by influential Jewish leaders and organizations, are strongly opposed to partition. Partition both in principle and in substance can only be regarded as an anti-Arab solution. The Federal State, however, cannot be described as an anti-Jewish solution. To the contrary, it will best serve the interests of both Arabs and Jews.

13. A federal State would provide the greatest opportunity for ameliorating the present dangerous racial and religious divisions in the population, while permitting the development of a more normal social structure.

14. The federal State is the most constructive and dynamic solution in that it eschews an attitude of resignation towards the question of the ability of Arabs and Jews to co-operate in their common interest, in favour of a realistic and dynamic attitude, namely, that under changed conditions the will to co-operate can be cultivated.

15. A basis for the assumption that co-operation between the Arab and Jewish communities is not impossible is found in the fact that, even under the existing highly unfavourable conditions, the Committee did observe in Palestine instances of effective and fruitful co-operation between the two communities.

16. While it may be doubted whether the will to co-operate is to be found in the two groups under present conditions, it is entirely possible that if a federal solution were firmly and definitively imposed, the two groups, in their own self-interest, would gradually develop a spirit of co-operation in their common State. There is no basis for an assumption that these two peoples cannot live and work together for common purposes once they realize that there is no alternative. Since, under any solution, large groups of them would have to do so, it must either be taken for granted that co-operation between them is possible or it must be accepted that there is no workable solution at all.

17. Taking into account the limited area available and the vital importance of maintaining Palestine as an economic and social unity, the federal-State solution seems to provide the only practical and workable approach.

#### Recommendations

The undersigned representatives of India, Iran and Yugoslavia, not being in agreement with the recommendation for partition formulated by the other members of the Committee, and for the reasons, among others, stated above, present to the General Assembly the following recommendations which, in their view, constitute the most suitable solution to the problem of Palestine.

#### *I. The Independent State of Palestine*

*It is recommended that*

1. The peoples of Palestine are entitled to recognition of their right to independence, and an independent federal State of Palestine shall be created following a transitional period not exceeding three years.
2. With regard to the transitional period, responsibility for administering Palestine and preparing it for independence under the conditions herein prescribed shall be entrusted to such authority as may be decided upon by the General Assembly.
3. The independent Federal State of Palestine shall comprise an Arab state and a Jewish state.
4. In delimiting the boundaries of the Arab and Jewish states, respectively, consideration shall be given to anticipated population growth.
5. During the transitional period, a constituent assembly shall be elected by the population of Palestine and shall formulate the constitution of the independent Federal State of Palestine. The authority entrusted by the General Assembly with responsibility for administering Palestine during the transitional period shall convene the constituent assembly on the basis of electoral provisions which shall ensure the fullest possible representation of the population, providing that all adult persons who have acquired Palestinian citizenship as well as all Arabs and Jews who, though noncitizens, may be resident in Palestine and who shall have applied for citizenship in Palestine not less than three months before the date of the election, shall be entitled to vote therein.

6. The attainment of independence by the independent federal State of Palestine shall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the General Assembly that the constituent assembly referred to in the preceding paragraph has adopted a constitution incorporating the provisions set forth in II immediately following.

*II. Outline of the structure and required provisions in the constitution of Palestine*

(The provisions set forth in this section are not designed to be the constitution of the new independent federal State of Palestine. The intent is that the constitution of the new State, as a condition for independence, shall be required to include, *inter alia*, the substance of these provisions.)

*It is recommended that*

As a condition prior to the grant of independence, the constitution of the proposed independent federal State of Palestine shall include, in substance, the following provisions:

1. The governmental structure of the independent Federal State of Palestine shall be federal and shall comprise a federal Government and the governments of the Arab and Jewish states respectively.
2. Among the organs of government there shall be a head of State and an executive body, a representative federal legislative body, a federal court and such other subsidiary bodies as may be deemed necessary.
3. The federal legislative body shall be composed of two chambers.
4. Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole.
5. Election of members to the other chamber of the federal legislative body shall be on the basis of equal-representation of the Arab and Jewish citizens of Palestine.
6. The federal legislative body shall be empowered to legislate on all matters entrusted to the federal Government.
7. Legislation shall be enacted when approved by majority votes in both chambers of the federal legislative body.

8. In the event of disagreement between the two chambers with regard to any proposed legislation, the issue shall be submitted to an arbitral body. That body shall be composed of one representative from each chamber of the federal legislative body, the head of State, and two members, other than members of the federal court, designated by that court for this purpose; these members shall be so designated by the court with regard to Arabs and Jews as to ensure that neither the Arab nor the Jewish community shall have less than two members on the arbitral body. This arbitral body shall first attempt, to resolve the disagreement by mediation, but in the event mediation fails, the arbitral body shall be empowered to make a final decision which shall have the force of law and shall be binding.

9. The head of the independent federal State of Palestine shall be elected by a majority vote of the members of both chambers of the federal legislative body sitting in a joint meeting convened for this purpose, and shall serve for such term as the constitution may determine.

10. The powers and functions of the head of the independent federal State of Palestine shall be as determined by the constitution of that State.

11. A deputy head of State shall be similarly elected, who shall be a representative of the community other than that with which the head of State provided for in paragraph 9 above is identified. The deputy head of State in his regular activities and during the absence of the head of State, for whom he shall act, shall exercise such powers as may be delegated to him by the head of State. He shall also act with full powers for the head of State in case of his incapacity, or following his death, pending the election of a new head of State.

12. The executive branch of the federal Government shall be responsible to the federal legislative body.

13. A federal court shall be established which shall be the final court of appeal with regard to constitutional matters.

14. The federal court shall have a minimum membership of four Arabs and three Jews.

15. The members of the federal court shall be elected at a joint session of both chambers of the federal legislative body for such terms and subject to such qualifications as the constitution may prescribe.

16. The federal court shall be empowered to decide (a) whether

laws and regulations of the federal and state governments are in conformity with the constitution; (&) cases involving conflict between the laws and regulations of the federal government and laws and regulations of the state governments; (c) all other questions involving an interpretation of the constitution; and (d) such other matters as may be placed within its competence by the constitution.

17. All decisions of the federal court shall be final.

18. Full authority shall be vested in the federal government with regard to national defense, foreign relations, immigration, currency, taxation for federal purposes, foreign and interstate waterways, transport and communications, copy-rights and patents.

19. The constitution shall forbid any discriminatory legislation, whether by federal or state governments, against Arabs, Jews or other population groups, or against either of the states; and shall guarantee equal rights and privileges for all minorities, irrespective of race or religion.

20. The constitution, having regard for the customs of the people, shall be based on the principle of the full equality of all citizens of Palestine with regard to the political, civil and religious rights of the individual, and shall make specific provision for the protection of linguistic, religious, and ethnic rights of the peoples and respect for their cultures.

21. The constitution shall include specific guarantees respecting freedom of conscience, speech, press and assemblage, the rights of organized labour, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property.

22. The constitution shall guarantee free access to Holy Places, protect religious interests, and ensure freedom of worship and of conscience to all, provided that the traditional customs of the several religions shall be respected.

23. Arabic and Hebrew shall be official languages in both the federal and state governments.

24. The constitution shall include provisions which shall (a) undertake to settle all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered; and (b) accept the obligation of the State to refrain in its international relations from the threat or use

of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations.

25. There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others on the basis of such qualifications and conditions as the constitution and laws of the federal State may determine and equally apply.

26. The Arab state and the Jewish state shall enjoy full powers of local self-government, and may institute such representative forms of government, adopt such local constitutions and issue such local laws and regulations as they may deem desirable, subject only to the provisions of the federal constitution.

27. Each state government shall have authority, within its borders, over education, taxation for local purposes, the right of residence, commercial licenses, land permits, guiding rights, interstate migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries, and such aspects of economic activities and such other authority as may be entrusted to the states by the constitution.

28. Each state shall be entitled to organize a police force for the maintenance of law and order.

29. The constitution shall provide for equitable participation of the representatives of both communities in delegations to international organizations and conferences, and on all boards, agencies, bureaux or *ad hoc* bodies established under the authority of the State.

30. The independent federal State of Palestine shall accept, as binding all international agreements and conventions, both general and specific, to which the territory of Palestine has previously become a party by action of the mandatory Power acting on its behalf. Subject to such right of denunciation as may be provided therein, all such agreements and conventions shall be respected by the independent federal State of Palestine.

31. The constitution shall make provision for its method of amendment, provided that it shall be accepted as a solemn obligation undertaken by the independent federal State of Palestine to the United Nations not to alter the provisions of any part of the constitution or the constitution as a whole in such manner as to nullify the provisions herein stated as a



prior condition to independence; except by the assent of a majority of both the Arab and Jewish members of the federal legislative body.

### *III. Boundaries of the Arab and Jewish states in the independent Federal State of Palestine*

*It is recommended that*

The boundaries of the respective Arab and Jewish states in the independent federal State of Palestine shall be as indicated on the map attached to this report.168/

### *IV. Capitalization*

*It is recommended that*

The General Assembly of the United Nations shall invite all States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulations or usage in the Ottoman Empire, to renounce any right pertaining to them to the reestablishment of such privileges and immunities in the independent federal State of Palestine.

### *V. The Holy Places, religious interests and Jerusalem*

#### *A. Religious interests and Holy Places it is recommended that*

Since the Holy Places, buildings and sites appertaining to whatever religions, and wherever located in Palestine, must be recognized as of special and unique interest and concern to the international community, the following principles and measures should be fully safeguarded as a condition for the establishment of the independent federal State of Palestine.

1. Millions of Christians, Jews and Moslems abroad, as well as the inhabitants of Palestine, have a proper and recognized interest in the preservation and care of sites and buildings associated with the origin and history of their respective faiths. The sacred character of the Holy Places shall therefore be preserved, and access to them for purposes of worship and pilgrimage shall be ensured in accordance with existing rights.

2. In the interests both of the followers of various faiths and of the maintenance of peace, existing rights in Palestine enjoyed by the several religious communities shall be neither impaired nor denied.

3. The incorporation in the constitution of the independent federal State of Palestine of provisions of the nature proposed in the preceding paragraph are designed substantially to allay the anxiety which is manifested in many quarters concerning the future status of the Holy Places, religious buildings and sites and the preservation of the rights of the communities in Palestine following the establishment of an independent State of Palestine.

4. The establishment of an adequate and impartial system for the settlement of disputes regarding religious rights is essential to the preservation of religious peace in replacement of the Palestinian administration which exercised such authority under the mandate. Specific stipulations designed to preserve and protect the Holy Places, religious buildings and sites and the rights of religious communities shall be inserted in the constitution of the independent federal State of Palestine and shall be in substance as follows:

(a) Existing rights in respect of Holy Places, religious buildings and sites shall not be denied or impaired.

(b) Free access to the Holy Places, religious buildings and sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places, religious buildings and sites shall be preserved and no action shall be permitted which may in any way impair their sacred character.

(d) If at any time it should appear to the Government of the independent federal State of Palestine, or representations to that effect should be made to it by any interested party, that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the religious community or communities concerned to carry out such repair, and in the event no action is taken within a reasonable time, the Government itself may carry out the necessary repairs.

(e) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation under the law in force on the date on which independence shall be granted to the State of Palestine.

5. In the interest of preserving, protecting and caring for Holy Places, buildings and sites in Jerusalem, Bethlehem, Nazareth and elsewhere in Palestine, a permanent international body for the supervision and protection of the Holy Places in

Palestine shall be created by the appropriate organ of the United Nations. A list of such Holy Places, buildings and sites shall be prepared by that organ.

6. The membership of the permanent international body for the supervision of Holy Places in Palestine shall consist of three representatives designated by the appropriate organ of the United Nations, and one representative from each of the recognized faiths having an interest in the matter, as may be determined by the United Nations.

7. The permanent international body referred to in paragraphs 5 and 6 above shall be responsible, subject to existing rights, for the supervision and protection of all such Places, building and sites in Palestine, and shall be empowered to make representations to the Government of the independent federal State of Palestine respecting any matters affecting the Holy Places, buildings and sites or the protection of religious interests in Palestine, and to report on all such matters to the General Assembly of the United Nations.

#### *B. Jerusalem*

1. Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish.

2. The Arab and Jewish municipalities of Jerusalem, which shall jointly comprise the City and capital of Jerusalem, shall, under the constitution and laws of the federal Government, enjoy powers of local administration within their respective areas, and shall participate in such joint local self-governing institutions as the federal Government may prescribe or permit, provided that equitable representation in such bodies is ensured to followers of such faiths as may be represented in the community.

3. The Arab and Jewish municipalities of Jerusalem shall jointly provide for, maintain and support such common public services as sewage, garbage collection and disposal, fire protection, water supply, local transport, telephones and telegraph.

#### *C. Irrevocability of provisions*

The independent federal State of Palestine, irrespective of the provision made in paragraph 31 of section II of these recommendations for amendment of the constitution, shall

undertake to accept as irrevocable the above provisions affecting Holy Places, buildings and sites and religious interests.

#### VI. *International responsibility for Jewish displaced persons*

1. The Jews in the displaced persons camps and the distressed European Jews outside them, like the other homeless persons of Europe, constitute a residue of the Second World War. As such, they are all an international responsibility. But the Jews amongst them have a direct bearing on the solution of the Palestine problem, in view of the insistent demands that they be permitted freely to enter that country, and the Arab fears that this permission will be granted.

2. Although the Committee's terms of reference would not justify it in devoting its attention to the problem of the displaced and homeless persons as a whole, it is entirely justified in recommending to the General Assembly a prompt amelioration of the plight of the Jewish segments of these groups as a vital prerequisite to the settlement of the difficult conditions in Palestine.

3. Therefore, *it is recommended that*

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews in and outside the camps for displaced persons, of whom approximately 250,000 are in assembly centers, would be accepted as a special concern of extreme urgency for the alleviation of the Palestine problem, and by means of which a number of those Members of the United Nations not already over-populated would accept within their borders a proportionate number of Jewish refugees, with Palestine accepting its share in accordance with the recommendation on Jewish immigration set forth in VII immediately below.

#### VII. *Jewish immigration into Palestine*

1. Jewish immigration into Palestine continues to be one of the central political questions of that country.

2. The solution of the problem of Palestine is rendered more difficult by the fact that large numbers of Jews, and especially the displaced and homeless Jews of Europe, insistently demand the right to settle in Palestine, on the basis of the historical association of the Jewish people with that country, and are strongly supported in this demand by all of the Jews encountered by the Committee in Palestine.

S. It is a fact, also, that many of the Jews in Palestine have relatives among the displaced Jews of Europe who are eager to emigrate to Palestine.

4. While the problem of Jewish immigration is thus closely related to the solution of the Palestine question, it cannot be contemplated that Palestine is to be considered in any sense as a means of solving the problem of world Jewry. In direct and effective opposition to any such suggestion are the twin factors of limited area and resources and vigorous and persistent opposition of the Arab people, who constitute the majority population of the country.

5. For these reasons, no claim to a right of unlimited immigration of Jews into Palestine, irrespective of time, can be entertained. It follows, therefore, that no basis could exist for any anticipation that the Jews now in Palestine might increase their numbers by means of free mass immigration to such extent that they would become the majority population in Palestine.

6. With these considerations in mind, *It is recommended that*

The problem of Jewish immigration into Palestine be dealt with in the following manner:

(a) For a period of three years from the effective date of the beginning of the transitional period provided for in the solution to be applied to Palestine, even if the transitional period should be less, Jewish immigration shall be permitted into the borders of the Jewish state in the proposed independent federal State of Palestine, in such numbers as not to exceed the absorptive capacity of that Jewish state, having due regard for the rights of the population then present within that state and for their anticipated natural rate of increase. The authority responsible for executing the transitional arrangements on behalf of the United Nations shall take all measures necessary to safeguard these principles.

(b) For the purpose of appraising objectively the absorptive capacity of the Jewish state in the independent State of Palestine, an international commission shall be established. Its membership shall consist of three representatives designated by the Arabs of Palestine, three representatives designated by the Jews of Palestine, and three representatives designated by the appropriate organ of the United Nations.

(c) The international commission shall be empowered to estimate the absorptive capacity of the Jewish state, and in discharging this responsibility may call upon the assistance

of such experts as it may consider necessary.

(d) The estimates of the international commission, made in accordance with subparagraphs 6 (a) and 6 (c) above shall be binding on the authority entrusted with the administration of Palestine during the period referred to in sub-paragraph 6 (a).

(e) The international commission shall exist only during the period of three years provided for in sub-paragraph 6 (a); and its functions and activities, other than those relating to its liquidation, shall automatically cease at the end of that period.

(f) Responsibility for organizing and caring for Jewish immigrants during the transitional period shall be placed in such representative local organization as the Jewish community of Palestine shall decide upon.

(g) Priority in the granting of Jewish immigration certificates during the transitional period shall be accorded to orphans, survivors who are of the same family, close relatives of persons already in Palestine, and persons having useful scientific and technical qualifications.

#### **CHAPTER VIII RESERVATIONS AND OBSERVATIONS**

1. Some representatives have reserved their position on a number of specific points or have wished to express particular points of view. These reservations and observations will be found in the appendix to this report.

2. The representatives making such reservations and observations, and the subjects on which they are recorded, are as follows:

The representative of **Australia**:

(i) Statement on attitude towards proposals in Chapters VI and VII.

The representative of **Guatemala**:

(i) Reservation on recommendation XII of Chapter V.

The representative of **India**:

(i) Declaration on independence.

(ii) Observations on the Mandate in its historical setting.

(iii) Declaration on form of government.

(iv) Declaration of reasons why partition cannot be accepted.

The representative of **Uruguay**:

(i) Reservation on recommendation XII of Chapter V.

(ii) Declaration on boundaries. (iii) Declaration on immigration. (iv) Declaration on religious interests.

The representative of **Yugoslavia**:

(i) Observations on historical background.

(ii) Appraisal of the Mandate.

(iii) Observation on the present situation.

3. The reservations and observations referred to above were not communicated to all the other members of the Special Committee before the signing of the report.

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*Footnotes*

1/ For text of letter, see Annex 1.

2/ Texts of communications in Annex 2.

3/ See *Official Records of the first special session of the General Assembly, volume II, page 12.*

4/ See *Official Records of the first special session of the General Assembly, volume II, page 81.*

5/ *Ibid.*, volume I, 70th meeting, page 23; 71st meeting, pages 59-60.

6/ See *Resolutions adopted by the General Assembly during its first special session resolution 104 (S-1), page 6.*

7/ See *Official Records of the first special session of the General Assembly, volume III, page 10).*

8/ See *Resolutions adopted by the General Assembly during its first special session, resolution 105 (S-1), page 6,*

9/ See Official Records of the first special session of the General Assembly, volume 111. Jewish Agency, 50th meeting pages 108ff.; 52nd meeting, pages 178tt.; 54th meeting. pages 251 ft; 55th meeting, page\* 27Sff. Arab Higher Committee, 52nd meeting, pages 189ff.; 55th meeting, pages 266ff.

10/ See Official Records of the first special session of the General Assembly, volume II, page 4.

11/ Ibid., volume III, pages I83ff.

12/ Ibid., volume III, pages 265ff.

13/ Ibid., volume III, pages 345ff.

14/ Ibid., volume III, pages 361ff

15/ Ibid., volume I, page 77. (voting against: Afghanistan, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Turkey; abstaining, Siam).

16/ Volume I, "Reference Library on Palestine" (document A/AC.13/1, 82 pages);

Volume II, "Principal Documents of Governments and Recognized Agencies Suggesting Solutions of the Palestine Question, and Reactions thereto," (document A/AC.13/2, 556 pages);

Volume III, "General Background Survey" (document A/AC.13/3, 294 pages).

The following two volumes were later added to this documentation and distributed at Geneva:.

Volume IV, "Tabulated Summary of Material contained in the Written and Oral Statements submitted to the Special Committee on Palestine before their Departure from Jerusalem," (document A/AC.13/69, 221 pages);

Volume V, "Index to Records of the first special session of the General Assembly," (document A/AC.13/74, 60 pages).

17/ Annex 3.

18/ Annex 5.

19/ Annex 6.

20/ Annex 8.



21/ For text of the Sub-Committee Report, see document A/AC.13/SC.2/5. Decisions of the Committee regarding oral hearings are summarized in document A/AC.13/27.

22/ Second, third, and fourth reports of Sub-Committee', documents A/AC.13/SC.2/7, 9, and 10, respectively.

23/ The hearings in Jerusalem comprise sixteen meetings, thirteen of which were public and three private. The records of the public meetings are contained in a separate volume which is Annex A to this report. In addition, the volume includes: (a) an index to the hearings on chronological order, (b) a Hat. in alphabetical order of Governments, organizations and religious bodies heard; (c) a list of individual witness in alphabetical order, and (d) an index, by subject, to the testimony received.

24/ Text of letters reproduced as documents A/AC.13/48 and A/AC.13/55.

25/ Text of letters reproduced as documents A/AC.13/49 and 56 (Egypt). A/AC.13/50 (Iraq). A/AC.13/51 (Lebanon), A/AC.13/58 (Syria) and A/AC.13/62 (Saudi Arabia).

26/ Text of letter reproduced as document A/AC.13/52.

27/ For a list of these written statements, in the alphabetical order of their sponsors, together with a brief description of each, see Annex 9.

28/ Text of communications reproduced as documents A/AC.13/NC.25 and A/AC.15/NC43.

29/ Annex 10.

30/ Annex 11.

31/ 4 See page

32/ Annex 12.

33/ Annex 13.

34/ Annex 14.

35/ Annex 15.

36/ Annex 16.

37/ Annex 17.

38/ The verbatim record of this meeting is published in me separate volume which is Annex A to this report.

39/ Annex 18.

40/ A Survey of Palestine prepared for the Anglo-American Committee by the Government of Palestine. Volume 1, page 103.

41/ From the memorandum on the water resources of Palestine prepared by the Government of Palestine, page 10

42/The 1931 census revealed that there were 66,000 nomadic Bedouins; today they are estimated to number 90,000. Little is known demographically about the people and no account is taken of them in the statistics of this chapter, which deal only with the settled population.

43/ All the statistical material on population is extracted from A Survey of Palestine, volume III, section I, and from the supplement to A Survey of Palestine.

44/ This high natural rate of increase has excited some comment. Prior to 1918, the male population of Palestine was subject to conscription for the Turkish army, and the discontinuance of this practice is sometimes advanced in explanation of the rapid increase in the Arab population since then. It seems probable that the true rate of natural increase is, however, lower than the observed rate owing to an influx into Palestine of young Arab women. As reproduction rates are related to the age-sex composition of the population, according to the census of 1931 the effect is to over-estimate the reproduction rates in the case of the Moslem population. Between 1942 and 1945, owing to the effect of food rationing, there was a tendency to understate deaths and overstate births.

45/ The expression is borrowed from the Government of Palestine's A Survey of Palestine, volume III, page 1272.

46/ A Survey of Palestine, volume I, page 327.

47/ The Committee visited the settlement of Reviving In this area, and inspected a reservoir constructed to conserve 50,000 cubic metres of rainwater.

48/ Palestine pounds.

49/ A Survey of Palestine, volume I, page 511. Ibid,, volume I, page 509.

50/ *A Survey of Palestine*, volume I, page 462 and supplementary volume, page 41.

51/ Much of the Jewish capital imported into Palestine is in the nature of a free gift, and consequently involves neither interest-nor amortization charges. To the extent that gift capital is part of the capita} imports in the structure of the balance of payments, it will not require an increase of exports in the future to meet debt charges.

52/ *Government of Palestine*, official index. *Idem.*, volume III section 15,

53/ *Idem*, volume III, section 15,

54/ Annex 19.

55/ The question of the Holy Places is dealt with in Chapter III.

56/ For text see R.. H. Drayton (ed.): *The Laws of Palestine*, volume III, pages 2569ff.

57/ *Palestine (Amendment) Order-in-Council*, 1923, article °- Subsequent references are also to this article.

58/ These are Jerusalem, Lydda (headquarters Jaffa). Haifa, Gaza, Samaria (headquarters Nablus) and Galilee (headquarters Nazareth).

59/ Of the thirty-nine present assistant district commissioners, one is an Arab and one is a Jew. (See document A/AC.13/SR.6/Rev. 1, page 9: Hearing of the representatives of the Palestine Government.)

60/ *Ibid.*, page 9.

61/ *Permanent Mandates Commission: Minutes of the 23rd (Extraordinary) Session*, page 229.

62/ *Cmd. (Command Paper) 5513.*

63/ *Palestine Royal Commission: Report*, chapter II.

64/ *bid.*, chapter II, paragraph 20.

65/ *Cmd. 1700.*

66/ E.g.. *White Paper of 1939: "His Majesty's Government adhere to this interpretation of the Declaration of 1917 and regard it as an authoritative and comprehensive description of*

the character of the Jewish National Home in Palestine." (Cmd. 6019, paragraph 6.)

67/ Op. cit.. Chapter II, paragraph 39.

68/ Permanent Mandates Commission, Minutes of the 17th (Extraordinary) Session, page 145.

69/ Palestine Royal Commission: Report, chapter II, paragraph 42(4).

70/ Parliamentary Debates—volume 547, number 108 23 May 1959), Columns 2177-2189.

71/ Op. cit.. Chapter V, paragraph 2.

72/ Estimate for June 1947 given in Government of Palestine: Memorandum on the Administration of Palestine under the Mandate, paragraph 16.

73/ A minority of orthodox Jews, mainly belonging to Agudath Israel, are by their own wish not included in the community register.

74/ Officially recognized and granted the right to receive revenue from the local community rate to maintain social services and for other communal purposes under the Jewish community regulations (1928).

75/ In 1945 the total expenditure in Jewish social services was more than six and a half million pounds, of which over 82 per cent came from the Jewish community, 5 per cent from the Government and the remainder from out-side sources. See Vaad Leumi: The Jewish Community and Its Social Services, page 11.

76/ They include, e.g., the moderate Aliya Hadasha (New Immigration Party), the left-wing Socialist Hashomer Hatzair, and the Communist Party of Palestine. Although not a political party, the Ihud (Union) organization, led by Dr. J. L. Magnes, President of the Hebrew University, Jerusalem, also differs from Zionist policy in advocating a bi-national Palestine State.

77/ An appropriate Jewish Agency shall be recognized as a public body for the purpose of advising and cooperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country. The Zionist Organization, so long as its

organization • and constitution are in the opinion of the Mandatory, appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish National Home." Following agreement between Zionist and non-Zionist Jews at the Zionist Congress in 1929, an enlarged Jewish Agency was formed; it was recognized in 1930 by the mandatory Power as the "public body" referred to in article 4.

78/ Palestine Royal Commission, op. cit; chapter V, paragraph 17.

79/ Replaced in 1930 by the Jewish Agency as the "public body" provided for in article 4 of the mandate.

80/ E.g., Permanent Mandates Commission: Minutes of the 17th Session (June 1930), page 142.

81/ For an analysis of the 1936 disturbances, see Palestine Royal Commission: op. cit.. chapter IV. Some 4,000 lives were lost and approximately one million pounds damage to property incurred as a result of the Arab revolt of 1936-1939.

82/ Op. cit, chapter X, paragraph 77.

83/ Cmd. 6019.

84/ On 10 November 1943, the Secretary of State for the Colonies announced in the House of Commons that since the war had prevented entry of more than 43,922 legal and illegal immigrants up to 30 September 1943, His Majesty's Government would permit the balance of some 31,000 persons to enter Palestine if necessary after the closing date of 31 March 1944, "subject to the criterion of economic absorptive capacity."

85/ Cmd. 6019, paragraph 12.

86/ Cmd. 6180.

87/ Zone A: About 4.1 million acres (63 per cent of the total area), mainly the hill country and land in the south in the Gaza-Beersheba area. Transfer of land to Jews by Palestinian Arabs was prohibited, but by persons other than Palestinian Arabs transfers might in some cases be permitted.

88/ Zone B: About 2 million acres (32 per cent of the total area), comprising the valley around Lake Huleh and the Sea of Galilee area, the valley of Esdraelon, the Negeb and certain areas in the coastal plain south of Jaffa and south of Haifa.

Land purchase by Jews was restricted in this area, requiring the sanction of the Palestine Government.

89/ Permanent Mandates Commission: Minutes of 36th Session, pages 274-275. The report was not considered of the Council of the League owing to the outbreak of the Second World War in September 1939.

90/ See paragraphs 109-110.

91/ Text reproduced In Jewish Agency for Palestine (New York): Book of Documents submitted to the General Assembly of the United Nations. May 1947, pages 140 ff. The letter was submitted as a representation to the Permanent Mandates Commission at its 36th session.

92/ Since April 1939, the estimated number is 30,000 to 38,000 (Government of Palestine: Supplement to A Survey of Palestine, page 23). Immigration since 1 October 1944 has been permitted at the rate of 1,500 monthly.

93/ The defence force of the Jewish community: an illegal organization under Palestine law. See Government of Palestine: Supplement to A Survey of Palestine, page 85. Cf. also the resolution of the Inner Zionist Council meeting in Jerusalem 29 October 1946 which denounced "bloodshed by groups of terrorists who defy national discipline and thereby place themselves outside the ranks of the Jewish Community" and called on the Yishuv to isolate and withhold any support of such groups. (Government of Palestine: Supplementary Memorandum, page 21.)

94/ Op. cit., chapter X, paragraph 95.

95/ Ibid.

96/ See chapter IV.

97/ The terms of the Mandate (preamble and article 6) are "non-Jewish communities" and "other sections of the population." The Arab community alone is discussed here; special interests of the Christian community are dealt with in chapter III.

98/ Permanent Mandates Commission: Minutes of 36th Session, page 97 and Cmd. 5964 (1939).

99/ The Arab view of the Mandate is discussed in chapter II D.

100/ *Government of Palestine, Memorandum on the Administration of Palestine under the Mandate, page 10, paragraph 23.*

101/ *From 1920 to 1946, apart from maintenance of the British armed forces in Palestine which is a charge on the United Kingdom Government, total Administration expenditure on the maintenance of law and order in Palestine was approximately 36 per cent of all Government expenditure (other than that resulting from Palestine's participation in the Second World War). See Government of Palestine: A Survey of Palestine, volume II, page 608.*

102/ *There was a 39 per cent decrease between 1927 and 1944 (taking figures of deaths per 1,000 survivors during the first five years of life). See Government of Palestine: A Survey of Palestine, volume II. pages 708-709.*

102/ *Government of Palestine: Memorandum on the Administration of Palestine; under the Mandate, page 11 paragraph 24.*

103/ *Op. cit., chapter 16, paragraphs 12-17.*

104/ *Op. cit., chapter 5, paragraph 24.*

105/ *Op. cit., page,12, paragraph 25.*

106/ *Plural of Waqt: Moslem benevolent or religious endowment.*

107/ *Moslem-religious courts.*

108/ *Op. cit., chapter 5, paragraph S9.*

209/ *Between representatives of the Palestine Arab Party (led by Jamal Eff. el Husseini, kinsman and follower of the Mufti of Jerusalem, Haj Amin Eff. el Husseini) and those of the National Defence Party under the leadership of Ragheb Bey Nashashibi and inclined towards more moderate policies at the time.*

110/ *Appointed Mufti of Jerusalem in 1921 and President of the Supreme Moslem Council in 1922.*

111/ *Government of Palestine: Supplementary Memorandum, page .13.*

112/ *For evidence submitted to the Committee regarding political*

opposition to the Husseini party see, inter alia, document A/AC.13/PV. 32, pages 31 to 47.

113/ Cmd. 1700.

114/ The council's work became increasingly deadlocked by political dissension. In 1945, after failure to settle the question of the mayoralty, the Administration announced the appointment in place of the council of a commission composed solely of officials.

115/ Entered into force January 1934.

116 Five officials, two representatives of commerce, eleven Moslems (eight elected and three nominated), seven Jews (three elected and four nominated) and three Christians (one elected and two nominated).

117/ Statement by the Jewish Agency on the White Paper of 1939. Text reproduced in the Jewish Agency for Palestine: Book of Documents, pages 137-138.

118/ Formed in December 1934 by Ragheb Bey Nashashibi.

119/ League of Nations Official Journal (Special Supplement 194): Records of the 20th (conclusion) and 21st ordinary sessions of the Assembly, page 28.

120/ Ibid., page 38.

121/ Anglo-American Committee of Inquiry: Report to the United States Government and His Majesty's Government of the United Kingdom, chapter 1, recommendations 3 and 4.

122/ Cmd.7044.

123/ Neither the Jewish Agency, nor the Palestinian Arabs in the first instance, accepted invitations and the conference was attended by representatives of the Arab States only, together with the Secretary General of the Arab League.

124/ See Cmd.7044, pages 9-11.

125/ The so-called Bevtó Plan. See Cmd. 7044, pages 11 to 14.

126/ Document A/AC.13/2, page 356.

127/ Ibids., pages 347-351. "See Annex 1.

128/ Authorized under -the Palestine (Defence) Order in Council of 1937, which empowered the High Commissioner to make



regulations in the interests of public security during the period of Arab terrorism 1936-1939. See *Government of Palestine: The Defence (Emergency) Regulations, 1945* (as amended until 2 March 1947).

129/ The sentences of Military Courts are subject to confirmation by the General Officer Commanding, to whom petition for reconsideration of sentence may be made.

130/ A total of 492 had been detained for eleven months (approximate average period), 33 for twelve months, 4 for six months, and 291 (at present in Gilgil "Camp, Kenya) for twenty-one months. See document

131/ A/AC:13/-NC.77: Communication from the Government of Palestine On Detentions.

132/ 15,864 in Cyprus under the Cyprus Detention (Illegal Immigrants) Law, 1946.

133/ *Government of Palestine: Supplementary Memorandum*/pay 56, paragraph 3.

143/ See document A/AC.13/SR.57, pages 1-2. Document A/AC.13/P.V.38, page 10.

135/ *Ibid.*, page 12.

136/ For text, see *Government of Palestine: A Survey of Palestine*, volume I. pages 84-85.

137/ Document A/AC.13/P.V.39, page 17.

138/ *Palestine Prefs Reviews*, 8 July 1947,

139/ Concluded in January 1919 between Amir Feisal, son of King Hussein, and Dr. Weizmann, then President of the Zionist Organization.

140/ See *Palestine Royal Commission: op. cit.*, chapter 3, paragraphs 66-68, for evidence of the persistence of this view.

141/ For evidence submitted to the Committee in this respect, see documents A/AC. 13/P.V. 30 and A/AC. 13/P.V. 32, particularly pages 48 to 59.

142/ "Zionism strives to create for the Jewish people a Home in Palestine secured by public law."

143/ *British White Paper, Cmd. 1700; see relevant extracts above, paragraph 77.*

144/ *Later to be mentioned in recital 3 of the Mandate.*

145/ *The Mandate was confirmed on 24 July 1922.*

146/ *The relevant resolution runs as follows: "The Executive of the Zionist Organization, having taken note of the statement relative to British Policy in Palestine, transmitted to them by the Colonial Office, under date June 3rd, 1922, assured His Majesty's Government that the activities of the Zionist Organization will be conducted in conformity with the policy therein set forth". (Cmd. 1700, 1922, pages 28-29).*

147/ *Annex 21.*

148/ *Cmd. 5974.*

149/ *Ibid., paragraph 17.*

150/ *Sir H. McMahon's letter of 24 October 1918.*

151/ *Cmd. 5974, paragraph 17.*

152/ *Ibid., paragraph 18.*

153/ *Ibid., paragraph 22.*

154/ *Cmd. 5479, page 28.*

155/ *Third Year Book of the League of Nations, by Charles H. Levermore, 1922, page 137.*

156/ *See paragraph 5 of Resolution No. 106 (S-1), reproduced in Chapter I, paragraph 18.*

157/ *Report of the High Commissioner on the Administration of Palestine (1920-1925). London, 1925 (Colonial No. 15), page 48.*

158/ *"Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall at Jerusalem; December, 1950." London, 1951, page 34. (The Commission was constituted as follows: M. E. Lofgren (Sweden), M. Charles Barde (Switzerland), M. C. J. van Kempen (Netherlands)).*

159/ Moslem benevolent or religious endowments.

160/ The following stipulation shall be added to the Declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration."

161/ In the Declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words: "by a Jew in the Arab State".

162/ A number of members of the Committee held the view that, at the end of the ten-year period, the parties should be free to terminate the Treaty without the interference of the General Assembly.

163/ A number of members of the Committee proposed to add here: "Thereafter modifications may be made by agreement of the two States but no such modification shall remove from the Treaty any of the objectives of the Economic Union without the assent of the General Assembly of the United Nations."

164/ According to the Government of Palestine, the total Jewish population in July 1947 was 625,000. In addition there may be a number of illegal unregistered immigrants not included in this total.

165/ Palestine pounds.

166/ See Volume II.

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