



## Abba Hillel Silver Collection Digitization Project

Featuring collections from the Western Reserve Historical Society and  
The Jacob Rader Marcus Center of the American Jewish Archives

### **MS-4787: Abba Hillel Silver Papers, 1902-1989.**

Series I: General Correspondence, 1914-1969, undated.

Sub-series A: Alphabetical, 1914-1965, undated.

---

Reel  
38

Box  
13

Folder  
907

Jewish Agency, United Nations Special Committee on Palestine,  
1947-1948 undated.



LONG ISLAND ZIONIST REGION

163-18 JAMAICA AVENUE, JAMAICA 5, NEW YORK • TELEPHONE JAMAICA 6-6232

May 23, 1947.

Rabbi Abba Hillel Silver  
The Temple  
105th St. at Ansel Rd.  
Cleveland, C.

Dear Rabbi Silver:

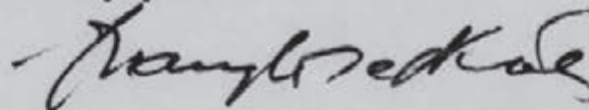
Re.: Appointment of Swedish Member to the  
United Nations Commission of Inquiry  
on Palestine

---

This is to advise you that my advance information on the likelihood of the appointment of Supreme Court Judge Emil Sandström of Stockholm as Swedish member of the United Nations Commission of Inquiry on Palestine turned out to be correct. I learned of it this afternoon. I promptly cabled Hugo Valentin, of Uppsala, as per attached copy. I also advised Mr. Emanuel Neumann and Arthur Lourie of the Jewish Agency for Palestine of this development.

Should I obtain any additional information on the subject, I shall communicate with you without delay.

Cordially yours



Franz J. Katz  
Associate Director

Encl.  
fjk:sw

BENJAMIN J. DOFT  
President

BERNARD DAVIDSON  
Treasurer

BENJAMIN M. FRIEDMAN, BERNARD H. FULLER, MURRAY LANGBAUM  
Vice-Presidents

JUDAH B. HELLMAN  
Secretary

FRANZ J. KATZ  
Associate Director

DAVID E. HIRSCH  
Executive Director



## EXECUTIVE COMMITTEE

LEO BROWN  
SOL COHEN  
JACOB M. DINNES  
EMANUEL DOFT  
IRVING ENTIN  
RABBI ROLAND B. GITTELSON  
ROBERT J. GLASS

RABBI JOSHUA L. GOLDBERG  
RABBI PERETZ HALPERN  
FRED KAIRYS  
RABBI I. USHER KIRSHBLUM  
SAMUEL KLAUSNER (Masada)  
MORRIS KOEPEL  
MORDECAI KONOWITZ

IRVING LANCAUM  
DAVID LEVINE  
MAURICE NECHEMIAS  
RABBI ARTHUR H. NEULANDER  
SAM J. PERRY  
HERMAN PLANCHER  
DAVID S. POLLOCK

BERTRAM L. ROBERTS  
SAMUEL P. ROSE  
WILLIAM SADOFF  
RABBI EDWARD T. SANDROW  
JOSEPH J. SCHICKLEH  
SAMUEL SHUBE  
IRVING WAGNER

## ADMINISTRATIVE COMMITTEE

*Arverne Zionist District*  
HERMAN SLOANE  
SAMUEL B. SOLOMON  
ABRAHAM WASSERMAN

*Astoria Zionist District*  
DR. DAVID EISENBERG  
MILTON EISLER  
JACK ILOWITE  
JACOB MISHLER  
ARTHUR URY  
PHILIP WIENER

*Baldwin Zionist District*  
TOBIAS FRANKEL  
NEWTON D. HERSON  
JOSEPH LEAV  
WILLIAM ROSENFELD  
DAVID SPIEGEL  
SIDNEY TUWINER  
DR. HARRY WEISS

*Bay Shore Zionist District*  
RABBI SIDNEY BOGNER  
NATHAN ROSANSKY  
GEORGE RUSKIN  
SEYMOUR SINGER

*City Line-Ozone Park  
Zionist District*  
RABBI SAMUEL LANGER  
ROBERT LEVITT  
BERNARD LIFTON  
JACK MICHELSON

*Corona-Elmhurst Zionist District*  
SAMUEL BENDER  
MORRIS EISNER  
SAMUEL GELLMAN  
RABBI WILLIAM SPIGELMAN

*Zionist District of Far Rockaway  
and the Five Towns*  
MICHAEL BERLINER  
RABBI JUDAH CAHN  
MAX DOFT  
MOSES D. HEYMAN  
S. RALPH LAZRUS  
RABBI IRVING MILLER  
MAX NALVEN  
RABBI EMANUEL RACKMAN  
LOUIS ROSE  
NORMAN SALIT  
EMIL SCHENKEL  
JACK SHAPIRO  
ABRAHAM TANNENBAUM  
HENRY WEITZ  
PHIL WHITMAN

*Forest Hills Zionist District*  
BENJAMIN B. BARON  
SAMUEL BERG  
CHARLES BICK  
SIGMUND EISENSTEIN  
SAM EPSTEIN  
JACK ETELSON  
MAX FISCHMAN  
JESSE I. FUCHS  
BEN GITTELSON  
MOE HANOVER  
HARRY HIXON

ABRAHAM ISAACSON  
LEON JACOVITZ  
LOUIS KLEINMAN  
HERBERT LEVY  
LAWRENCE LIPKIN  
MORRIS MAYDIN  
IRVING MYERS  
MAX NICHOLAS  
DAVID OPPENHEIM  
JOSEPH PERLOFF  
JACK SAFER  
SAMUEL A. WEISS

*Freeport-Roosevelt Zionist District*  
RABBI SIMON NOVECK

*Glen Cove Zionist District*  
S. J. BERNSTEIN  
MAX ELBAUM  
LEON FICHMAN

*Great Neck Zionist District*  
JOSEPH ALLIGER  
JOSEPH FINE  
ALBERT A. LAZARUS  
DAVID J. SANFORD  
MORRIS SCHWARTZ  
JOSSELYN M. SHORE

*Hempstead Zionist District*  
HARRY BEROZA  
DAVID LEVY  
BENJ. MEISELMAN  
LEON SACHS  
LT. COL. CARL SHAPIRO  
SOL STEIN

*Hillcrest Zionist District*  
BENJAMIN FRIEDMAN  
DAVID GURFEIN  
ABRAHAM GUTERMAN  
LEO HUNDERT  
DR. NATHAN JACOBSON  
MILTON KIRSHENBERG  
THEODORE LANGBAUM  
HARRY LAVITT  
MURRAY LEFCOURT  
I. JUDAH LEFER  
BEN MARCUS  
LOUIS NEWMAN  
GEORGE SPIELBERG  
CHARLES STOLL  
MORTIMER WEITZ

*Huntington Zionist District*  
RALPH COOPER  
DAVID COREN  
BEN FIGELMAN  
EVERETT GREEN  
TED LEDER  
HERMAN WEINSTEIN

*Jackson Heights Zionist District*  
MAX GOODMAN  
JUDAH E. RICHARDS

*Jamaica Zionist District*  
MARVIN ASCHEIM  
JACK BERNSTEIN  
S. BILLIG  
JACK EPSTEIN  
JOE HARDY

SAUL HERMAN  
WILLIAM HORWITT  
HARRY A. KAPLAN  
J. WM. KERA  
RABBI ALEX S. KLINE  
ALBERT MEYERS  
WILLIAM PARKER  
MORRIS PILZER  
BEN POLLAK  
DR. MITCHEL RUBINOW  
I. ADRIAN SHULIMSON  
SIDNEY SINGER  
VICTOR TABAH

*Kew Gardens Zionist District*  
SOL BERNSTEIN  
SAMUEL BRIMBERG  
PIERCE CRONER  
ERNEST MOHR  
ABE SCHWEBEL  
DAVID LE SHACK  
JOSEPH S. RODELL

*Kew Gardens Hills Zionist District*  
MORRIS KLEINEX  
SUSKIN KRESSEL  
LOUIS SILVERMAN  
BEN STEIN  
SAUL WILDENBERG  
SYDNEY C. WINTON

*Laurelton Zionist District*  
MURRAY APRIL  
LOUIS BIDERMAN  
HARRY BRAND  
HARVEY EHRLICH  
ROBERT ENTEEN  
NATHAN KRAFT  
CHARLES KRAMER  
LOUIS MALLIS  
WALTER REICHWALD  
GEORGE SCHNEIDERMAN  
HARRY SPAR  
LEWIS WALTER

*Long Beach Zionist District*  
ABRAHAM BUCHSBAUM  
LOU GELBERG  
CHARLES GRODENSKY  
ABRAHAM KAPLAN  
RABBI MEYER KIMMEL  
PHILIP LEWIS  
OSCAR SUSSKIND

*Lynbrook Zionist District*  
SIDNEY EISENBERG  
SAMUEL MUTNICK  
RICHARD L. ROSSIN  
WILLIAM WEINBERGER  
GEORGE WEINSTEIN

*Merrick Zionist District*  
MOSES HORNSTEIN  
DAVID INCE  
RABBI SOLOMON N. LIPMAN  
ABRAHAM MANDEL

*Middle Village Zionist District*  
LOUIS BERNSTEIN  
HYMAN STERN  
HARRY WELLISH

*North Shore Zionist District*  
DR. JULES BLANKFEIN  
HARRY CONOVITZ  
RABBI ABRAHAM DUBIN  
RABBI DAVID GORDON  
HARRY HARRIS  
RABBI HARRY KATCHEN  
EMIL LEVIN  
ALFRED N. MAAS  
BARNET MUFFS  
HYMAN MUSS  
IRVING PLISKIN  
NATHAN SCHOOLER  
SAM SMITH  
MORRIS SPAR  
MORTON WEINBERG  
MORRIS WINER

*Patchogue Zionist District*  
HAROLD ASHARE  
DR. JACOB S. BUSH  
EDWARD GERVEY  
GEORGE I. ROBINSON

*Queens Village Zionist District*  
MORRIS BERKENBLIT  
MARTIN ETTINGER  
JACOB PINNOLIS  
IRVING BOB WILSON  
JACOB WILSON

*Rego-Forest Zionist District*  
ABRAHAM BANNER  
FRANK FERENCZ  
SAM GROSSMAN  
SAMUEL KOSAK  
ALBERT LIPPERT  
SAMUEL NOVEMBER  
JOSEPH ROSOV

*Richmond Hill Zionist District*  
ISADORE COHEN  
DR. JACOB H. DAY  
JOSEPH FUSSTEIG  
MAX GREENBERG  
EUGENE KORNHAUSER  
REUBEN MESSER  
MRS. LENA ROGOFF  
DR. HENRY SCHISSEL  
IRVING WEINER  
LOUIS WEISS  
ALBERT WHITE

*Rockaway Park Zionist District*  
JACK K. COLMAN  
IRVING EISENBERG  
JACK FARKAS  
JACK GEIST  
LOUIS E. GOLDSTEIN  
HARRY KOSMACHER  
LAWRENCE PREISS  
ERNEST I. SHAPIRO

*Rockville Centre Zionist District*  
SAMUEL GOLDSTEIN

*Sunnyside Zionist District*  
A. D. GOTTLIEB



May 23, 1947.

By Airmail.

Docent Hugo Valentin  
Kyrkogårdsgatan 29  
Uppsala, Sweden.

Dear Docent Valentin:

Re.: Appointment of Swedish Member to  
United Nations Commission of Inquiry  
on Palestine  
My letters of 5/13 & 5/15/47

This is to advise you that I just learned from a thoroughly reliable source that the Swedish Government appointed Judge Emil Sandström as Swedish member of the United Nations Commission on Palestine.

Immediately upon receipt of this information, I cabled you as follows:

"Emil Sandström appointed.  
Frans Katz."

I trust that you are in possession of this information, the cable having been sent full rate.

With Zion's Greetings,

most cordially yours

CC: Redaktör Daniel Brick, Sthlm.  
Direktör H.G. Ruritz, Göteborg  
fjk:sw

Frans J. Katz  
Associate Director



LONG ISLAND ZIONIST REGION  
ZIONIST ORGANIZATION OF AMERICA  
163-18 Jamaica Avenue, Jamaica 5, N. Y.

May 23, 1947.

Mr. Emanuel Neumann  
Commission on Palestine Surveys  
521 Fifth Avenue  
New York, N.Y.

Dear Mr. Neumann:

Re.: Appointment of Swedish Member to the  
United Nations Commission of Inquiry  
on Palestine

---

This is to confirm my telephone calls of this afternoon. I left a message for you to the effect that I had just learned of the appointment of Supreme Court Judge Emil Sandström of Stockholm as Swedish member of the United Nations Commission of Inquiry on Palestine.

Enclosed herewith is a copy of my letter to Hugo Valentin, President of the Swedish Zionist Association, whom I also cabled promptly upon receipt of the information.

As to Sandström's background, may I refer you to my letter of May 12th which also was addressed to Valentin and of which you received a copy (at your home). If I should obtain any additional information of consequence on Sandström, I shall communicate with you without delay.

Cordially yours

Encl.  
fjk:sw

FRANZ J. KATZ  
Associate Director



May 23, 1947.

Emanuel Neumann  
Abba Hillel Silver ✓

From: Franz J. Katz  
Re: Emil Sandström - Background

Sandström is 61 years of age. He visited Washington in 1946, when heading the Swedish delegation on German Assets. In State Department circles, he enjoyed a reputation of "absolute impartiality." He may be presumed to be close to the Swedish Conservative Party.

From 1943 through 1945, he was Chairman of the International Red Cross Committee for Aid to Greece. From 1918 until 1926, he served on the International Mixed Court in Cairo. From 1926 to 1929, he was president of the special section of the Anglo-German Claims Court in London. From 1929 until 1931, he headed the Swedish Labor Court.

His Swedish title is "Hovrättsrådet" which probably corresponds to Supreme Court Judge.



# Catholic Near East Welfare Association



Established by the Holy See

President  
FRANCIS CARDINAL SPELLMAN  
Archbishop of New York

480 LEXINGTON AVENUE  
NEW YORK 17, N. Y.

Assistant Secretary  
REV. ANDREW ROGOSH, S.T.L.

National Secretary  
VERY REV. MSGR. THOMAS J. McMAHON, S. T. D.

Telephone  
PLAZA 8-2710

June 5, 1947

The Special Committee on Palestine  
United Nations  
Lake Success, New York

Honorable Sirs:

In a communication, dated June 2, 1947, the Catholic Near East Welfare Association has been advised by the Honorable Victor Hoo, Assistant Secretary General, that your Committee has invited us to submit, in written form, its views on the question of Palestine and information regarding the extent to which our organization considers itself representative of any element of the population of Palestine.

Conforming with this request, we beg leave to submit for the consideration and possibly for the guidance of your Committee, in its prior investigations and in its ultimate recommendations to the United Nations, certain viewpoints and data which may prove helpful.

## I - RELIGIOUS INTERESTS

In the first place, it may be well to recall that this Association refrained from making any representations to the United Nations concerning the question of Palestine, until such time as it seemed reasonable to conclude that in the terms of reference to be framed for your Special Committee, no mention would be made of the religious interests of Islamism, Judaism or Christianity in Palestine. Nevertheless, we were convinced that no sincere and realistic study of the issues involved in the Palestine question could afford to ignore the religious phase of the problem.

The Anglo-American Committee of Enquiry, whose findings have been conceded to be objective, had stated in Section III of the Recommendation "That the form of government ultimately to be established shall, under International Guarantee, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths." Among those who were disposed to welcome the failure of your Special Committee's activities, it was desired that the religious interests' clause be omitted, so that the terms of reference might appear so vague and inane as to be inept in dealing effectively with the problem.



## Catholic Near East Welfare Association

The Special Committee on Palestine  
June 5, 1947  
Page Two

Therefore, because it was the wish of this Association that your Special Committee might not be prevented from arriving at a report which would be conclusive and practically so, we strove to emphasize the import of the religious interests' clause for no other motive than to guarantee the Christian interests, and more particularly the Roman Catholic interests in Palestine, which reach back to the beginnings of Christianity and have been incontrovertibly and juridically established since the thirteenth century.

### II - NON-PARTISAN APPROACH

It should be clearly understood that this Association has no desire to decide or to take a partisan stand regarding the group in which sovereignty should ultimately be vested by the United Nations. Our viewpoint, in this regard, was clearly expressed by His Holiness, Pope Pius XII, on August 3, 1946, in his allocution to the delegates of the Arab Higher Committee on Palestine, when they visited him at the Vatican. His Holiness then stated quite unequivocally: "It is superfluous for us to tell you that we reprove all recourse to force and violence, no matter whence they may come, just as on various occasions in the past, we have condemned a fanatical anti-semitism let loose against the Hebrew people. We have always observed this attitude of perfect impartiality, even in the most diverse circumstances, and we intend to conform thereto in the future as well. Yet, it should be clear that this impartiality which is imposed on us by virtue of our Apostolic Ministry, which places us above the conflicts with which human society is torn asunder, especially in this grave moment, cannot be construed as indifference." (Acta Apostolicae Sedis, XXXVIII, p.322)

This, in effect, is a presentation of our position. It is echoed in the "Memorandum submitted by the Heads of the Christian Committees in Palestine", a statement prepared by Catholic and non-Catholic leaders in Palestine. It declares: "It is not the concern of the Arab Christian Clergy in Palestine to argue the case from the political aspect....But they are deeply concerned with the future of Palestine, as Christians, inasmuch as Palestine is 'the Holy Land' to the millions of Christians abroad."

Wherefore, we again urge, our interest is not political. Our aim has been to present Christian and Catholic claims with the view that any solution of the Palestine question would be unjust if it does not take formal cognizance of the Christian stake in Palestine, or of the fact that in this Holy Land of millions of Christians throughout the world, there still dwell thousands of indigenous Christians, with a centuries' old right to be protected in any regime set up around them.

We are completely indifferent to the form of the regime which your esteemed Committee may recommend, provided that the interests of Christendom, Catholic, Protestant and Orthodox, will be weighed and safeguarded in your final recommendations. Primarily, all our sanctuaries should be respected, not only with cold juridicism but with local reverence, and they should be continuously and unconditionally accessible not only to local inhabitants but also to the Christians of the entire world.



## Catholic Near East Welfare Association

The Special Committee on Palestine  
June 5, 1947  
Page Three

### III - ANTIQUITY OF CHRISTIAN CLAIMS

In the heat of the present controversy, one might easily overlook the fact that Palestine is not merely the Holy Land of the Jews or of the Moslems; that it is not merely the political, economic or social problem of the present inhabitants; but also, and in a very definite manner, the Holy Land of the Christians of the world, who number in the aggregate, 350 million Catholics, 117 million Eastern Orthodox and 235 million Protestants, making a total of 702 million persons. For all this vast mass of humanity, Palestine is the Holy Land.

The concern of Christians for the Holy Places is no recent development in world affairs. The Church of Jerusalem is the first Church of Christianity. There Christians have remained for all of twenty centuries. They are, by no means, new comers. Their roots are deep in the subsoil of their Holy Land. Although persecuted and, indeed, decimated, they have never left or given up.

Therefore, it is manifestly false to assert that "Christianity is not an indigenous force in Palestine, although it is based on the life and teachings of Jesus. As an organized religion it is the creation of Rome and always represented in the East the introduction of a foreign civilization... Most of the churches today are of foreign origin and are subject to due authority, whose seat is in a foreign country." (Palestine, Esco Foundation, p.533). This is spiritual jingoism and an intolerant indictment of Roman Catholics throughout the entire world.

It is hardly necessary to indicate to historically minded men those stirring incidents in Christianity's record, when Christians demonstrated the importance of the sanctuaries of the Holy Land in their spiritual lives and gave their blood to preserve the Tomb of Christ as well as all the other places hallowed by His sacred presence on earth. If only for these centuries of heroism, of sacrifice and of blood-letting, Christendom can hardly be expected to stand by silently and be ignored, as your estimable Committee seeks an answer to the riddle of Palestine.

### IV - PRESENT STATISTICS

But there are more urgent and contemporary reasons which press us to make our claims. A glance at the present statistics for Catholic activity in Palestine reveals that the ministrations of the Church there may be considered under two aspects. First, there is the age old care of the Holy Places, the sanctuaries associated with the life of Christ. Then, too, there is the ecclesiastical organization ministering directly to the needs of the indigenous Catholics.

Under the first heading, it might be well to remark that the Franciscan "Custody of the Holy Land" was founded in 1217, and even the Moslem Sultans have, in all the centuries since that day, recognized and confirmed the Friars in their sacred charge of the shrines of Christianity's cradle. However, it is good



## Catholic Near East Welfare Association

The Special Committee on Palestine

June 5, 1947

Page Four

to note, as the attached list indicates, that the Franciscan Friars not only care for the Holy Places but also extend their apostolic ministrations to the common people in the villages and hamlets throughout the length and breadth of Palestine.

As for the ecclesiastical organization ministering even more directly to the indigenous Catholics, there are two officially established units, namely, the Latin Patriarchate of Jerusalem and the Melkite Diocese of Haifa. Speaking more particularly, the Latin Patriarchate includes 67 churches, 286 priests, 458 religious brothers, 934 religious sisters, 115 religious houses, 43 boys' schools, with 6928 students, and 45 girls' schools, with 10,327 students. In addition, there are 26 charitable institutions.

The Melkite Diocese of Haifa comprises 40 churches, 33 priests, 12 boys' schools, with 1450 students, 8 girls' schools, with 548 students, and, finally, three charitable institutions.

To give an example of a specific charitable program, in the Jerusalem area alone, there are six tons of bread distributed weekly, while twenty-five thousand dollars is distributed annually for rents for poor families, and seventy rent free houses are maintained to shelter 274 families.

### V - POSSIBLE DIFFICULTIES

We, therefore, respectfully pray that this minority of 51,000 Roman Catholics in Palestine, in any system of sovereignty which the Special Committee may see fit to recommend, will actually enjoy not merely that frequently distorted and facetiously neutralized "guaranteed freedom of religion", but more specifically, freedom of religious assemblage, freedom of religious organization and development, unimpaired by confiscatory taxation or disabling legislation, in building and conducting churches, schools, orphanages, hospitals, homes for the aged and similar institutions of welfare and mercy. In fine, we ask for these Roman Catholics of all Palestine factual freedom from social, civic and economic discrimination.

It might be asserted that the general guarantees suggested or enacted would prevent the occurrence of such hardships. However, a survey of certain other nations in which such rights and liberties have been theoretically enunciated or even guaranteed by law, will show how effectually they may be disregarded or even subsequently effaced by cryptic legislation. Thus a future government of Palestine, in default of express and specific guarantees imposed by the United Nations, might conceivably choose to classify some of the Catholic schools to which allusion has been made above, as "foreign schools", and under this pretext, make them the object of discriminatory laws. Or, ordinances might be enacted forbidding an increase in the number of foreign instructors in such educational institutions. It is happening elsewhere, just as it has been recently proposed in another nation to forbid by law the teaching of all courses in religion in Christian schools. Examples might be



Catholic Near East Welfare Association

The Special Committee on Palestine  
June 5, 1947  
Page Five

multiplied, but from the few adduced, it should be clear to the Special Committee that our apprehensions are not purely academic and that our appeal for your recommendation of explicit and specific guarantees is justified by experience.

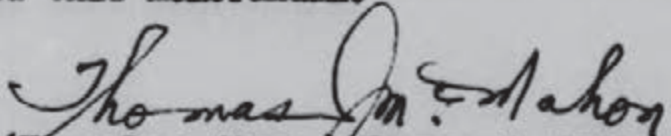
VI - PROPRIETY OF OUR APPEAL

The Catholic Near East Welfare Association has made these representations to your Special Committee, because it is an international body, officially dedicated to the interests of the Roman Catholic population of Palestine, and thereby qualifies as an organization, which is, in your terms, "representative of a considerable portion of the population of Palestine". As stated in our first appeal for a hearing, "The Catholic Near East Welfare Association, by its very nature and constitution and activities, is intimately concerned with the spiritual, moral, educational and broader social interests of the Roman Catholic population of Palestine, whether of the Latin Rite or of the Eastern Rites."

This Association, under the Presidency of His Eminence, Francis Cardinal Spellman of New York, is the sole official mission and relief agency of the Sacred Oriental Congregation in Rome. This Congregation, of which Pope Pius XII is direct superior, and Eugene Cardinal Tisserant, Secretary, has jurisdiction over all the above mentioned activities of the Catholic Church in Palestine. Thus, our Association has an international scope and is expected to supply not only financial aid but also intellectual support, whenever the interests of Christians in the Holy Land are at stake.

We fear that these Christian and Catholic interests might be disregarded and we consider it our bounden duty to indicate this to your Special Committee. Reiterating our impartiality as to the regime which will eventually be established in Palestine, again we say that, if said regime inadequately provides in its pattern of rights for its citizenry, for the freedom of religion and freedom of religious organization of its Christian and Catholic minority, its determining body will have committed a crime against its own Palestinian brethren, whose title to live in their Holy Land is as ancient as that of any of their compatriots. Indeed, because Palestine is the Holy Land for millions of Christians all over the world, this gigantic injustice would be rightfully resented by them and by all men of good will.

Trusting in the deep sense of justice vested in the members of your Special Committee, the Catholic Near East Welfare Association, through its officers, respectfully submits to you this memorandum.

  
(Very Rev. Msgr.) Thomas J. McMahon  
National Secretary  
Catholic Near East Welfare Association  
of which  
Francis Cardinal Spellman  
is  
President.



הסוכנות היהודית / לאד"י ישראל

**The Jewish Agency for Palestine**

16 EAST 66th STREET, New York 21, N. Y., RHineland 4-4200

בבקשה לקבל את הלוטה

*With the Compliments of*

*Arthur Lorne*



MEMORANDUM

on

THE POSITION OF THE JEWISH COMMUNITIES IN THE  
ORIENTAL COUNTRIES

Submitted to the

UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE

by the

JEWISH AGENCY FOR PALESTINE



(Note: This memorandum is a revised version of the chapter entitled "The Position of the Jewish Communities in Oriental Countries" contained in "The Jewish Case", pp. 372-391).

Jerusalem

June, 1947.



TABLE OF CONTENTS

	<u>Page</u>
Summary	1
Introduction	1
Syria	3
Lebanon	5
Iraq	5
Yemen	7
Egypt	8
Libya	9
French North Africa	10
Turkey	11
Iran	12
Afghanistan	13
Conclusion	13

Note: In Transjordan and Saudi Arabia no Jews are allowed to settle.



# The Position of the Jewish Communities in the Oriental Countries

## S u m m a r y

1. In the countries of North Africa and the Middle East (excluding Palestine) there are at present between 800,000 and 900,000 Jews, distributed as follows:

Syria and Lebanon	16,000	-	18,000
Iraq	120,000	-	130,000
Yemen and Aden	45,000	-	50,000
Egypt	70,000	-	80,000
Libya		30,000	
Tunisia	70,000	-	80,000
Algeria		120,000	
French Morocco	170,000	-	190,000
Spanish Morocco and Tangier		30,000	
Arabic-speaking countries	671,000	-	728,000
Turkey	65,000	-	75,000
Iran	80,000	-	90,000
Afghanistan (incl. refugees)	4,000	-	5,000
Various countries (Hadhramaut, Sudan, Bahrain, etc.)		3,000	
Islamic countries	823,000	-	901,000

2. The historic position of the Jewish communities in these countries is one of inferiority, brief interludes of peace and prosperity alternating with periods of oppression. According to the laws of Islam, Jews (as well as Christians) living in Moslem countries are regarded as "protected persons". Their lives, property and freedom of worship are assured, but in practice they are subjected to various forms of discrimination, enjoying the tolerance of the Moslems at the price of submission to second-class citizenship.

3. With the penetration of European ideas into the Orient 150 years ago, the domination of religion in political and social life gradually weakened; non-Moslems were given equal legal rights and came under the protection of Western Powers.

4. Nevertheless, the emancipation of the Jews was hampered by several factors:

- (a) The penetration of Moslems into the urban occupations formerly held by Jews, consequent upon their economic and cultural rise.
- (b) The barriers resulting from religious and cultural differences between Jews and non-Jews, which are very pronounced in Eastern countries.
- (c) The religious fanaticism of the masses and the extreme nationalism and xenophobia of the upper classes, aggravated in recent years by Nazi propaganda.

5. Discrimination against the Jews is practised today in all spheres: Government service is virtually closed to them, and unofficial numerous clauses prevails in the universities, State-controlled industries and banks employ only Moslems, Jewish firms are compelled to take in Moslem partners, Jews are excluded from political life and subjected in backward countries to humiliating customs.

6. The anti-Zionist propaganda of the Arab League and its States members, accompanied by a campaign of misrepresentation and incitement, is an additional threat to the Jews. The distinction formally made by Arab leaders between Jews and Zionists is unreal, and not appreciated by the common people, as shown by the recent anti-Jewish riots in Egypt and Tripolitania. The ban on emigration to Palestine and the anti-Zionist boycott aggravate the position of the Jews who are coming over more to be regarded as



hostages for the Arabs of Palestine. Jewish leaders in Arab capitals have been coerced into making anti-Zionist declarations.

7. While the Jews are denied political and civic equality, their cultural freedom, too, is severely limited. The total result is degradation and insecurity. The Jewish youth is faced with the choice of affiliation with the Communist movement or emigration to Palestine, while the older generation, unable to escape and fearful for its livelihood, endeavours to conform to the government's demands.





## Introduction

1. In the countries of Northern Africa and the Middle East (excluding Palestine) there are at present between 800,000 and 900,000 Jews.<sup>1)</sup> In none of them do the Jews in practice enjoy full equality of civic, political and economic rights. In some they suffer persecution.

The history of the Jewish communities in the Moslem countries is by no means a period of blissful tranquillity under enlightened princes, as modern Arab historians try to make out. There were periods, such as the Golden Age of Moslem rule in Spain, when the Jews were allowed to live in peace and liberty and to contribute their talents to political and cultural life. But these were brief interludes.<sup>2)</sup> Even in the short periods of splendour, the Jews enjoyed freedom and security only at the pleasure of the Moslem rulers, while the slightest political disturbance was liable to affect them adversely.

2. The Koran contains a number of anti-Jewish passages:

"Thou shalt surely find the most violent of all men in enmity against the true believers to be the Jews and the idolaters..."<sup>3)</sup>

The expeditions of Mohammed against the Jews of the Arabian Peninsula, which ended with their expulsion or extermination, also left their mark, as all the actions of the prophet were accepted as "Sunnah", i.e., a model of conduct which every Moslem was in duty bound to emulate.

3. According to the Koran and the laws of Islam, Jews (as well as Christians) living in Moslem countries are regarded as "protected persons" (dhimmi) whose lives, property and freedom of religious practice are assured to them on payment of a special per capita tax (jizya) and in return for their submission to various forms of discrimination. The tolerance of the Moslems was thus purchased at the price of second-class citizenship.<sup>4)</sup>

More correct, under the "millet" system in the Ottoman Empire, the Jews were not considered citizens of the Moslem state at all, but as an alien community with autonomy in internal affairs (religion, education, law courts, etc.), yet with no share whatever in the administration of the state.

1) No exact figures are available. In most of these countries no censuses have been held in recent years. The official statistics relating to the number of Jews are particularly deficient, because in most countries they refer only to members of the local Jewish communities and not to the foreign Jews residing there permanently.

The figures given below have been arrived at by careful comparison of the latest censuses with information from reliable sources, taking into account the changes in recent years (through natural increase, migration, etc.).

Syria and Lebanon	16,000 - 18,000	Arabic-speaking countries	671,000-728,000
Iraq	120,000 -130,000	Turkey	65,000- 75,000
Yemen and Aden	45,000 - 50,000	Iran	80,000- 90,000
Egypt	70,000 - 80,000	Afghanistan (incl. refugees)	4,000- 5,000
Libya	30,000	Various countries (Hadhramaut, Sudan, Bahrain, etc.)	3,000
Tunisia	70,000 - 80,000		
Algeria	120,000		
French Morocco	170,000 -190,000		
Spanish Morocco and Tangier	<u>30,000</u>		
Arabic-speaking countries	<u>671,000 -728,000</u>	Moslem countries	<u>823,000-901,000</u>

2) Cf. "Non-Muslim Subject of the Caliphate" by A. S. Tritton

3) Koran, Sura 5, verse 82, (according to the King Fuad Edition, Cairo, 1347, trans. G. Sale).

4) Professor Hitti, the Arab representative, in his evidence before the Anglo-American Committee of Inquiry, admitted that the Moslem law requires Jews and Christians to recognise the superior status of the Moslems.



A great English Orientalist who lived in Egypt a hundred years ago summed up the attitude there prevailing, in these words:

"They (the Jews) are held in the utmost contempt and abhorrence by the Muslims in general."<sup>5</sup>)

4. With the spread of European influences in the Orient at the beginning of the last century a change for the better set in. The domination of religion in the life of the Moslem peoples gradually weakened, and the first attempts were made at democratic reforms.

In the famous proclamation of the Ottoman Sultan in 1839 (Hatti Sherif of Gulkhane) non-Moslems were for the first time promised equal status before the law. In the legislation of the other Moslem countries similar provisions were introduced, mainly during the present century. At the same time, the Western Powers protected Jews and other minorities. It appeared as if a period of emancipation had dawned for the Jews of the Orient.

5. The first obstacle to such a development was the abnormal economic structure of the Jewish communities. While the overwhelming majority of the Moslems in these countries live in villages and small towns and are engaged in agriculture, the Jews are concentrated in the cities, their chief occupations being trade, handicrafts and, in some countries, the liberal professions. Some of these pursuits are, or were, a virtual Jewish monopoly, a situation that aroused envy and hatred among the Moslems. The progress of the Eastern countries, and their rise to independence, led to the penetration of Moslems, with official support, into vocations which had until then been in the hands of the Jews and other minorities. On the other hand, Jews so displaced were unable to find employment in other walks of life. Government posts are closed to them in most Moslem countries. An unofficial numerus clausus operates against the Jews in many secondary schools and universities, although the proportion of the educated among the Jews is much larger than among the Moslems. In some Oriental countries industry owes its development largely to the initiative of the State, which, as a rule, excludes Jews. A relatively small class of merchants has benefited from the general economic progress, and especially from wartime prosperity, but even their position is precarious.

6. Apart from the economic differences, the Jews are separated from their Moslem neighbours by religious and cultural barriers. Religion continues to play a decisive part in the life of Oriental Jews. Moslem schools, and for that matter Arab Government schools, do not appeal to Jewish parents in view of their relatively low level and their atmosphere of hostility to non-Moslems. The trend in the Jewish communities has therefore been to send children to Jewish schools, either local or those of the Alliance Israelite Universelle, or to the European schools of foreign Missions. While the young educated Jew thus began to speak French, the common fold preserved their traditional languages - peculiar Arab or Persian dialects, or Ladino (old Castilian). In the cultural life of their Moslem neighbours the Jews took little or no part.

7. But the most serious obstacle to Jewish emancipation has been Moslem hostility. The spirit of Western liberalism - equality of rights for all citizens regardless of race or creed - has never penetrated beyond a small class of educated Moslems. Even amongst them other trends militate against it. In the struggle against foreign rule, a crude nationalism has emerged, which has to some extent fused with traditional religious fanaticism. The militant strain in the Islamic religion, with its emphasis on the  Jihad  - the holy war - assisted this process. An example is the Moslem Brotherhood Association (Ikhwan al Muslimin), one of the largest organisations in the Moslem world, whose doctrine is a blend of religious and national intolerance. The growth of democratic and parliamentary systems has also been inhibited by the social backwardness of the feudal or semi-feudal regimes. Nazi propaganda found a fertile soil. It checked incipient liberal tendencies and strengthened anti-Jewish feeling.

8. These trends result in a general discrimination against non-Moslem minorities, but in many Arab countries, owing to their defenceless position,

---

5) E. W. Lane: "Manners and Customs of the Modern Egyptians" (first published in 1836) London-New York, 1936, p. 559.



it is the Jews who are primarily affected. In recent years Zionism has provided an additional slogan for anti-Jewish agitation. Arab leaders frequently emphasize that their opposition is directed only against the Zionists and not against the Jews generally. The heads of Arab Governments emphasize on every possible occasion the alleged difference between Jews and Zionists, and declare that their struggle is directed exclusively against the latter. The anti-Jewish riots, however, that have broken out from time to time in Arab countries show that the mass of the population does not appreciate this imaginary distinction, the unreality of which is now admitted in the Arabic press<sup>6)</sup> and by leaders connected with the Arab League.<sup>7)</sup> The measures taken by the Arab Governments to prevent Jewish emigration to Palestine, and the boycott they have declared against Jewish industry in Palestine cannot fail to react adversely on the Jews of the Arab countries who are being accused of helping the Zionists. Since the Western powers have recognized the independence of these countries, the Jews are completely at the mercy of the Arab Governments which regard them as hostages for the Palestine Arabs.

### SYRIA

9. The Jews of Syria are steadily migrating to Palestine or the Lebanon. Of the 10,000 to 11,000 Syrian Jews, between 7,000 and 8,000 live in Aleppo. Only about 2,500 still remain in Damascus, where only 20 years ago the Jewish community numbered over 10,000, while about 500 Jews live in Qamishli and the Al-Jazirah district. As a result of the political conflicts and the persecution of minorities in Syria in recent years, particularly in 1945, many Jews as well as Christians have moved to the Lebanon, where the Jewish population has increased to 6,000 - 7,000, who nearly all live in Beirut.

10. Syrian Jews are subject to numerous disabilities. No Jew can obtain a high Government post, and even in the lower grades of the civil service and the police there are hardly any Jews. Jewish schools are strictly forbidden to use Palestinian text-books, though for their Hebrew studies they have no other. The teaching of the Hebrew language generally is restricted, and teachers suspected of Zionist sympathies are dismissed. Jewish clubs are required to submit to the Surete for its approval every lecture intended to be delivered. Syrian Jews requesting permission to travel abroad are - except in very special cases - denied passports. Those in possession of a passport and a British visa to enter Palestine are denied an exit permit. In many cases Syrian Jews who wished to travel to the Lebanon were deprived of their passports because they might continue to Palestine. A Jew caught trying to cross the Syrian border into Palestine is liable to a heavy fine and imprisonment. Syrian frontier guards have been instructed to open fire on any Jew attempting to cross the border illegally. Many Syrian Jews have been arrested on the charge of helping "illegal" immigrants to enter Palestine. Relatives of Jews who have gone to Palestine are often severely interrogated by the Syrian police. All these stringent measures against emigration to Palestine can hardly be reconciled with the contention that Jews in Arab countries are perfectly happy in their present condition. In fact, the frequent appearance at the northern borders of Palestine of groups of Syrian Jews of all ages, who embark on the arduous journey on foot and under considerable peril, is a clear indication of the true Jewish position in Syria.<sup>8)</sup>

The difficult position of the Jews of Damascus may further be inferred from the following instance: three Damascus Jews were sentenced in March 1946 to six months' imprisonment and fines of LS.55 each because one man's wife and another's children were suspected of having gone to Palestine. The third was charged with "smuggling" people into Palestine. A delegation of 10 representatives of the Jewish community met President Kuwatly to protest against the flagrant discrimination against Jews, which was causing them to emigrate, but though he promised to investigate the matter there has been no change.

6) For example, "Al-Ikhwan Al Muslimin" (Cairo), 22nd December, 1945.

7) Cf. "Akhr Sa'ah" (Cairo), 6th January, 1946.

8) Apart from the measures affecting the Syrian Jews, disabilities have been imposed on Jews generally: instructions have been issued to all Syrian Consulates not to grant entry visas to Jews, whatever the purpose of the visit, and the most rigorous measures are applied to prevent the transit through Syria of Jewish immigrants to Palestine.



There are other laws against persons collaborating with Zionists or using "Zionist goods". Punishments like that of life imprisonment or death for "any person who imports, sells, buys, smuggles, or tries to smuggle Zionist goods in accord with Zionist institutions"<sup>9)</sup> though not necessarily directed against Jews, create an atmosphere of suspicion and prejudice against the whole Jewish community.

11. The tendency to treat the Syrian Jews as hostages is illustrated by the following reports. In October, 1945, at a meeting of Islamic religious leaders in Damascus, presided over by the Mufti of that city, it was resolved to send a telegram to the Allied Governments warning them that a Holy War against the Jews would be declared in all countries of Islam if Jewish immigration into Palestine continued. In the same month, Sheikh Mustafa Al-Siba'i, leader of the Young Moslems' Association, ascended the pulpit of the Umayyad mosque in Damascus after the Friday prayers and delivered a sharp anti-Jewish speech. "If the Palestine problem is not solved in favour of the Arabs", he declared, "the Arabs will know how to deal with the Jews living in their countries".

12. Under this pressure, the Jews of Syria have been forced to dissociate themselves from their brethren in Palestine. On November 2nd, 1945, the heads of the Jewish communities in Damascus, Aleppo and Al-Jazirah, were actually compelled to participate in the demonstrations against the Balfour Declaration, while Jewish shopkeepers were made to close their shops as a sign of solidarity with the Moslems.<sup>10)</sup> The state of fear to which such intimidation can reduce a Jewish leader may be gauged from the telegram sent by the rabbi of the Jewish community of Al-Jazirah (Rabbi Moshe Nahum) to the President of the Republic protesting against the opening of the gates of Palestine to Jewish immigration.<sup>11)</sup> When a Palestine newsagency published a report of the oppression of Syrian Jews, the head of the Jewish community of Damascus thought it wise to deny it.

13. The incitement against the Jewish community of Syria is now bearing fruit. On Victory Day, in May, 1945, anti-Jewish feeling ran high in Damascus and the police had to prevent the demonstrators from breaking into the Jewish quarter. During the disturbances at the beginning of June, 1945, Jacques Franco, Assistant Headmaster of the Alliance Israelite Universelle school in Damascus, was murdered in broad daylight. On November 18th, 1945, on the Moslem holiday of Qurban Bayram, a Syrian mob, headed by students, broke into the Great Synagogue of Aleppo, smashed the memorial candles burning before the Holy Shrine, beat up two old Jews reading in the synagogue, and burnt prayer books in the street.

14. A cause of constant fear for Syrian Jews constitutes the vast group of Palestinian Arab ex-rebels, mostly ex-Nazi agents, who have found safe refuge in Syria. Thus when members of the Anglo-American Inquiry Committee for Palestine visited Syria last year, Jewish community heads were summoned by Akram Zouaitar, a Palestinian Arab ex-rebel, who warned them against disclosing the truth about conditions among Jews to the Committee. He handed them a written declaration drafted by himself for submitting to the Committee. A guard was placed around their houses by the authorities to prevent their "escaping" at the last moment. They were escorted by two detectives to the Government House, where the sitting of the Committee was held, and kept under surveillance until they entered the hall. This is how Mr. B. Crum, member of the Inquiry Committee, describes their evidence: "The committee of three chosen Jews appeared. Only one spoke. There had been testimony in Jerusalem before us by Oriental Jews, charging that Jews in the Oriental countries were given only second-class citizenship. Our subcommittee expected the Jewish spokesman they now heard on the scene to need far more than twenty minutes to tell his story. Instead, he used forty-five seconds of his allotted time. He raced through a one-sentence written statement in which he said that the Jews of Syria were happy and not discriminated against; that their situation was excellent under the present Syrian government; and that they had absolutely nothing whatsoever to do with Zionism."

---

9) Falastin (Jaffa), June 25th, 1946.

10) Arab News Agency, November 3rd, 1945.

11) "Falastin" (Jaffa), October 24th, 1945.



"The three presented a picture of terrified men, MacDonald told me. Judge Hutcheson, surprised at the brevity of this representation, asked, "You have nothing else to add?" The Jewish spokesman shook his head. "Very well", said the Judge, nodding his head, and with the dismissal, the three hurried to their seats in the roar of the room amid murmurs of sly amusement from the Moslem audience which said as clearly as words, "They know what was best for them".<sup>12)</sup>

On the occasion of the recent return to Syria of Fawzi Qauqji, leader of the last Palestine Arab disturbances who spent the War years in Germany, the Jewish community was urged to demonstrate its patriotic feelings by giving a banquet in his honour. The banquet was well "organized", but Qauqji would not honour it by his presence.

#### LEBANON

15. The Jews of Lebanon enjoy greater liberty than their brethren in Syria, although the ruling faction among the Lebanese Christians strives to prove its loyalty to the pan-Arab cause by outdoing the Moslems in its opposition to Zionism. Accusations similar to those prevalent in Syria are levelled against Jews in connection with assistance to illegal immigrants crossing into Palestine. The entry of Palestinian Jews into the Lebanon is virtually prohibited, as is the transit of Jewish immigrants into Palestine. In connection with the boycott, attacks have been launched in the Lebanese press against local Jews who, because of their commercial connections with Palestine, are branded as Zionist agents. The Jewish youth organisations "Maccabi" and "Bnei Zion" in Beirut have been accused of smuggling Jews into Palestine and engaging in Zionist activities.<sup>13)</sup> As a result of this incitement the "Maccabi" sports society was forced to sever connections with its head office in London.<sup>14)</sup>

16. Despite the usual declarations by Lebanese leaders regarding the distinction between Zionists and Jews, the Lebanese Jews live in constant fear. On the approach of the anniversary of the Balfour Declaration in 1945, the council of the Jewish community in Beirut felt compelled to call upon the Minister of the Interior to express their loyalty to the Lebanon and to disclaim any connection with Zionism. In return for this assurance the Minister promised that the demonstrations on November 2nd would pass off quietly.

17. When the Anglo-American Inquiry Committee visited the Lebanon, the institutions of Lebanese Jewry decided not to appear before it "for obvious reasons". The only Jew to give evidence was a journalist, Tawfik Mizrahi, who stated that he appeared before the Committee on the Government's request.

One further incident during the Committee's stay in Beirut is most instructive in regard to the treatment Jews meet with in the Lebanon. Yehuda Hellman, a Palestinian journalist who accompanied the Committee in its tour, was arrested by the Lebanese "Surete", and his passport, identity card, press credentials and all other papers taken. He was held incommunicado in the hotel he was staying in throughout the Committee's stay in the Lebanon. Only after Mr. MacDonald, a member of the Inquiry Committee, announced that he would not leave Beirut unless Hellman accompanied him, was the young journalist released.

#### IRAQ

18. Of the 120,000 to 130,000 Jews of Iraq, about 100,000 live in Baghdad, where they represent one-quarter of the population. The remainder are in Basra, Mosul, Kirkuk and other small towns. A few thousand Jews are scattered in the villages of Kurdistan where they engage in agriculture.

19. Under the British Mandate many Jews were appointed to Government posts, for which it was difficult at the time to find suitable Moslems, and some even held ministerial positions. In the revival of commercial life in

---

12) Behind the Silken Curtain, p. 239

13) "Al Diar" (Beirut), October 15th and 17th, 1945.

14) "Al Alam Al Israeli" (Beirut), November 30th, 1945



Iraq following on the liquidation of the Ottoman rule Jews played a prominent part. This liberal regime served a double purpose. It proved the availability of local talent for full self-government and testified to the tolerant attitude towards the minorities. No sooner was independence attained, however, than the trend was reversed. Aggressive nationalism waxed stronger and found its first expression in the Assyrian massacre (1933). After King Feisal's death in the same year the position of the minorities in Iraq began to deteriorate. In later years, and particularly during the war, the activities of Syrian and Palestinian teachers, and the agitation conducted by the Mufti of Jerusalem and his clique who had escaped to Iraq, caused the people to turn against the Jews. This agitation culminated in violent anti-Jewish riots in June 1941. After the flight of Rashid Ali and his followers from Baghdad, and before the British troops entered the city, the populace rose against the Jews. Over 120 were killed, many hundreds wounded, and there was widespread looting of Jewish houses and shops.

20. It is true that the Iraqi constitution assures full equality of rights to the Jews, as to other minorities. They are accorded representation in the Parliament, and the status of the local Jewish communities is officially recognised. In point of fact, however, the authorities have consistently removed Jews from important posts. As far back as 1937 an American observer wrote of "widespread opposition to the employment of any but Iraqis professing Islam.... Although members of these (non-Moslem) communities have been employed especially in posts attached to the Financial and Technical Departments, the tendency seems to have been to retard their advancement... or to eliminate them as far as possible from Government service, a trend which has been more apparent in recent years".<sup>15)</sup> Since then the number of Jews in Government posts has further dwindled. At the beginning of the reign of Feisal I, Hazkiel Sassoon served as Minister of Finance, but after him no Jew has been appointed a member of the Government. Apart from the left-wing movement, Jews play no part in political life. Only few Jewish students are admitted to the University. There are almost no Jews in the police force, while in the army there are no active Jewish officers, apart from a number of physicians. In commercial life, too, the Government discriminates against the non-Moslems, allocating only a very limited number of orders and licences to non-Moslem firms.

21. While the Iraqi authorities plainly show that they are not prepared to treat their Jewish subjects as citizens of equal rank, they are equally averse to granting the Jews any cultural autonomy. Jewish schools, though under strict Government control, receive practically no state subvention. Only a very limited number of lessons is allocated to the study of the Bible and the prayers. In 1935 the teaching of the Hebrew language in these schools was prohibited. In vain did the Jewish community in Baghdad argue that without a thorough knowledge of the Hebrew language the holy scriptures could not be taught.

22. Zionist activities of any kind are, of course, strictly forbidden and considered as high treason. The Iraqi Jews even avoid correspondence with their relatives in Palestine for fear of coming under suspicion. The complete paralysis of Jewish public life is shown by the fact that this large community does not publish a single newspaper of its own.

Under constant pressure, the heads of the Jewish community of Iraq submit to all calls made on them by the Government for anti-Zionist declarations or demonstrations. A "League for the Struggle against Zionism" set up in 1945 by a group of young Jews, most of them Communists, was welcomed and encouraged by Iraqi leaders.

In 1946, however, as it was discovered that this League was nothing but a disguised Communist organisation, it was dissolved and its leaders put in prison.

23. The memory of the pogrom of 1941 still haunts the Jews of Iraq. They all feel that in certain political circumstances such outrages are likely to recur. The only effective way of escape from oppression is emigration to Palestine, but this is barred by the Iraqi Government. For fear that they might go to Palestine Iraqi Jews are not, as a rule, allowed to leave the country at all. If a Jew succeeds, after many difficulties, in obtaining a passport, it is stamped "Not valid for journey to Palestine", and an amount of 2000 dinars (pounds sterling) has to be deposited as a guarantee for the

---

15) Ph. W. Ireland, "Iraq", London, 1937, p.436



traveller's return. When in exceptional cases, such as for medical treatment, permission to visit Palestine is given, an amount of 5000 dinars has to be deposited. Foreign Jews, even of U. S. nationality, are denied both entry and transit.

An implicit threat of fresh pogroms in case of an unfavourable solution of the Palestine problem was contained in the evidence given by Dr. Fadel Jamali, Director-General of Foreign Affairs (now Minister for Foreign Affairs and Iraq's delegate to UNK's Palestine session) to the Anglo-American Inquiry Committee for Palestine. "The problem of protecting the Jews when disturbances occur in Palestine," Dr. Jamali stated, "is no easy task. Fortunately the Iraqi Government has been very successful in maintaining peace and order... The situation in Palestine has often become a cause of anxiety and restlessness in Iraq, and no Iraqi government can for long maintain peace and quietness unless justice is rendered to the Arabs of Palestine."<sup>16)</sup> Similar threats by Dr. Jamali have been reported at intervals.

## Y E M E N

24. The Jews of Yemen, who for hundreds of years have been cut off from direct contact with the centres of Jewish life, have nevertheless preserved their religion and culture in a remarkable manner. The first reports of the return of the Jews to Palestine in the early eighties aroused among the Jews of Yemen an intense Messianic urge, and during the past 60 years there has been a steady immigration of Yemenite Jews to Palestine. Over one third of Yemenite Jewry now lives in Palestine.

25. The number of Jews remaining in Yemen is estimated at 40,000, of whom 7,000 to 8,000 live in San'a, the capital. For years there has been a continuous trek of Yemenite Jews to Aden, which is to them the gateway to Palestine. About 4,000 Yemenite refugees are now in Aden and its vicinity, living under most distressing conditions impatiently awaiting immigration permits to Palestine.

26. The position of the Yemenite Jews has always been one of marked inferiority, bordering on pariah status. The Imam, the absolute ruler of the country, protects their lives and property on condition that they submit to Moslem ascendancy. The position of the Jews is exemplified by a number of humiliating customs, such as the ban on riding a horse in the towns, or carrying arms, or building houses higher than those owned by Moslems, etc. In the law courts, the evidence of a Jew is not accepted against that of a Moslem. Particularly degrading is the obligation of the Jewish community in San'a to clean the city latrines.<sup>17)</sup> There are, of course, no Jews in the civil service, the police or the army.

27. The most distressing of all anti-Jewish practices in Yemen is the compulsory conversion to Islam of Jewish orphans. According to the Yemenite laws, every Jewish child whose father has died is deemed to be the ward of the State, whose duty it is to rear and educate it as a Moslem. Even if the relatives of the child undertake to provide for it, the child is forcibly taken to an orphanage where it is converted to Islam. In order to avoid this fate the Yemenite Jews make their orphans marry at a very tender age, or, what is more common, they smuggle them out of the country. Anyone who assists in such escapes is reported to do so at the risk of his life.

28. The economic position of the Yemenite Jews is going from bad to worse. Since the nineteen-twenties a process of "nationalisation" has been going on in Yemen, one of whose results has been the ousting of the Jews. The Government has monopolised the export trade, especially of coffee. It has also set up the factories for the manufacture of textiles, soap, and other products, and forced the Jews, who are the best artisans in the country, to train Moslem workers by whom in due course they themselves are displaced. The economic crisis during the war further aggravated the plight of the Jews.

---

16) Iraq Times, March 29th, 1946.

17) Jews engaged in this work (the so-called "scrapers") receive a miserable wage and have to be supported by the community. When, a few years ago, the community found itself out of funds, the "scrapers" went on strike and ran away to the villages. Thereupon the heads of the Jewish community were arrested until the "scrapers" went back to work.



29. The only avenue of escape, emigration to Palestine, was for many years closed de jure. After the visit to Yemen in 1934 of the Mufti of Jerusalem, Amin Al-Huseini, the Imam ordered the ban against the departure of Jews to be more rigorously enforced. In recent years there has been a relaxation, mainly due to the difficulty of the food situation. At present Jews are in practice able to leave Yemen; the authorities close their eyes to their flight to Aden and content themselves with confiscating their property.

30. The development of closer bonds between Yemen and the other Arab countries as a result of its entry into the Arab League, as well as the fact that the present Imam, whose nature is that of a benevolent despot, is well over eighty, bode no good for the Jews of Yemen.

#### E G Y P T

31. Egyptian Jews number at present between 70,000 and 80,000, of whom 35,000 to 40,000 are in Cairo, about 30,000 in Alexandria, and the remainder in Tanta, Port Said, Mansoura and smaller towns.

32. The general position of the Jews in Egypt is beyond comparison better than in any of the countries so far surveyed, but even here the last few years have witnessed a decline. During the last two generations the Egyptian Jews have lived in security and made their contribution to the country's development. Members of such well-known families as Cattawi, Moseiri, Harari, Suarcs and many others have played a prominent part in trade and industry, banking and public works, as well as in agricultural development, and held important posts in Government service. This liberal period, however, seems to be drawing to a close. The winds of extreme nationalism which have begun to blow in the Arab East are shaking the position of the Jews in Egypt. Moreover, with the attainment of real independence, the overwhelming Egyptian, and particularly Moslem, majority is asserting its predominance in all walks of life and rendering the Jewish position more and more precarious. The process which has taken place in Europe is repeating itself in the East. The founding of the Arab League with headquarters in Cairo has still further clouded the outlook for Egyptian Jewry.

33. One of the reasons of the weakness of the Jewish position is the fact that only a minority of the community are Egyptian citizens, the majority being either "stateless" or foreign subjects. Under the Capitulations, the Jews, for obvious reasons, preferred the nationality or protection of a European power. When that regime came to an end, many Jews applied for Egyptian citizenship, but this was granted only in rare cases. Stateless Jews live in perpetual uncertainty. For travel abroad they are given a "laissez passer", but only very reluctantly, and their re-admission to Egypt is an act of grace; the threat of expulsion is ever-present.

34. Inasmuch as most Egyptian Jews are not Egyptian nationals, they are seriously affected by the anti-foreign tendency prevalent in the law and practice of the Egyptian Administration. It is extremely difficult nowadays for a non-Egyptian national to obtain a licence to open a new business. Jewish firms find themselves constrained to take in Egyptian partners so as to avoid official obstruction. A recent order, justified as it may be on its own merits, that commercial firms must keep their accounts and conduct their correspondence with the Government in Arabic, is a serious handicap for Jewish businessmen and clerks, most of whom have only an imperfect knowledge of that language. There are practically no Jews in Government employment. Egypt is generally faced with the serious problem of finding employment for the swelling ranks of its white-collar proletariat. The Jews are naturally the first victims of this congestion.

35. Nevertheless the Egyptian Jews have so far been able to maintain themselves in economic life, but their position is now in jeopardy as a result of the increasing political agitation against them. Fanatical Moslem organisations, such as the "Moslem Brotherhood" (Ikhwan Al-Muslimin), and Fascist organisations, such as "Young Egypt" (Misr Al-Fatat), indulge in open incitement against the Jews. About three weeks before the November riots, the latter association called upon the Jews formally to dissociate themselves from Zionism and repudiate its aspirations. The association threatened that a refusal would be regarded as an act of hostility against Egypt and all Arab countries. Anonymous threatening letters to the same effect were sent to the Chief Rabbi and other Jewish leaders. This incitement bore fruit. On the 2nd of November, 1945, a protest strike against the Balfour Declaration was proclaimed for the first time in Egypt. Jews and foreigners alike were



forced by the crowds to close their shops. The rabble paid no heed to the artificial distinction made by the Egyptian leaders between Jews and Zionists; they assaulted the Jewish quarters indiscriminately. A number of synagogues were destroyed; Scrolls of the Law were burned in the streets in Nazi fashion; many Jewish shops were looted. At the same time churches and shops belonging to non-Jewish foreigners were also attacked.

36. The head of the Sufi sheikhs challenged the Chief Pabbi in an open letter to identify himself with the opposition to Zionism. Yielding to pressure, the Jewish leaders produced the usual disclaimer. The grave anti-British riots in Cairo and Alexandria of February and March, 1946, have revealed that the November riots had been but an initial outburst of the upsurging of xenophobia of which the Jews were the first, because the easiest, target.

A trend of growing anti-Jewish agitation has made itself marked in the Egyptian press since the beginning of 1947. Egyptian Jews are being alternately stigmatized as Communists or a Zionist "fifth column". Some notion of the kind of this agitation may perhaps be given by the article published by the Wafdist weekly "Sawadi" in its April 21st 1947 issue, where the most filthy accusations, drawn from Nazi literature, are levelled against Jews as a whole. Streicher's picture figures in the midst of the article under the caption of his motto: "Jewry is the greatest danger to the State".

The constant pressure on Egyptian Jewry to disclaim Zionism did not fail to produce fruit. After recurrent challenges from Egyptian nationalists, an Israelite League for Combating Zionism was actually set up in April 1947. No prominent Jewish personality, however, joined this League.

#### LIBYA

37. In Libya there are at present about 30,000 Jews, two-thirds of whom live in the city of Tripoli and the remainder in Benghazi (about 3,000), Homs, Zlitan, Zawia and other places.

38. Under the Italians the Libyan Jews were granted full equality of rights and the Jewish communities enjoyed internal autonomy. Even the Fascist racial laws were not fully applied. During the war, the Jewish men of Tripoli were conscripted by the Axis for forced labour, while all the Jews of Benghazi were sent to a concentration camp in Gindo, where a large number of them died as a result of ill-treatment and disease. The Allied armies were hailed by the Jews as liberators. Their enthusiasm was all the greater as the victorious British Forces comprised a considerable number of Palestinian-Jewish units. The Jews were given back their civil rights, although the occupation authorities did not regard their national awakening with sympathy.

39. For many decades relations between the Jews and the Arabs of Tripolitania had been friendly, and except for the usual local quarrels, there was no friction between the two communities. But the anti-Jewish propaganda conducted by the Arab League also found its response in Tripolitania and the local press. An important role in this campaign of incitement was played by the Egyptians who came to Tripoli as officials of the British occupation authorities and as teachers and businessmen. Two days after the pogroms in Egypt, on November 4th, 1945, false rumours were spread in Tripoli to the effect that the Jews had murdered the Mufti and the Kadi, and had burned down the Moslem law courts. Organised Moslem crowds attacked the Jewish quarter. In the riots in Tripoli and at other places (Zenzur, Zlitan, Zawia, etc.) between the 4th and 7th of November, more than a hundred Jews, including women and children, were brutally murdered. Many houses, shops and synagogues were looted and burned. The damage caused to Jewish property is estimated at several million Italian lire.<sup>18)</sup> The tension has not subsided to this day. The great majority of the Libyan Jews are anxious to emigrate. Many, particularly French nationals, are leaving for Tunisia in the hope of being able to proceed to Palestine.

---

18) It will be recalled that barely a year ago Tripolitania was still being canvassed as a second Jewish National Home.



FRENCH NORTH AFRICA

40. The number of Jews in French North Africa is estimated at between 360,000 and 390,000. Of these, 70,000 to 80,000 live in Tunisia, about 120,000 in Algeria, and 170,000 to 190,000<sup>19)</sup> in French Morocco (in Spanish Morocco and in Tangier there are at present about 30,000 Jews).

41. In all these countries the Jews live between the anvil of the French officials and settlers, anxious to maintain their supremacy, and the hammer of the millions of Berbers and Arabs, striving either to free themselves from foreign rule (in Morocco and Tunisia) or to attain equality of rights (in Algeria). Thanks to the network of Alliance Israelite Universelle schools, the proportion of Jews with a knowledge of French and a European education is higher than that of the Moslems. Even before the war anti-Semitism was wide-spread among the French bureaucracy, as well as among the French settlers who feared Jewish competition. Upon the outbreak of the war many Moroccan Jews offered to enlist in the French army, but the French authorities advised them to join the Foreign Legion. Under the Vichy regime the position of the Jews sharply deteriorated. They were eliminated from official positions and from most of the professions, and various disabilities were imposed upon them. Although these laws were repealed after the liberation of North Africa, their effect is still perceptible.

42. The attitude of the Moslems of North Africa towards their Jewish neighbours has so far been tolerable. Nevertheless, "the antagonism between Moslem and Jew that dates from the time of the Prophet himself has never died down, and this mutual dislike is a factor to be reckoned with in any judgment of the situation in Barbary".<sup>20)</sup>

The strengthening of the bonds between the Arabs of these countries and the Arab League is liable to create new dangers for these Jewish communities.

43. The Jews of Tunisia are concentrated particularly in the capital and in the towns of Sfax, Soussse, Gabes, Bizerte, etc. On the island of Djerba there is an ancient Jewish community whose members are strictly orthodox and observant of Jewish traditions. They engage in agriculture and fishing and also possess centres of Jewish learning. The majority of the Tunisian Jews are traders. For some decades there has been a strong Zionist movement in Tunisia, but since the time of the Popular Front Government in France, Communism has competed with the Zionist movement. Apart from a minority of French nationals, the Jews of Tunisia are the subjects of the Bey who allows them a wide measure of autonomy in their internal affairs.

44. On the other hand, the Jews of Algeria, which has the status of Department of France, obtained French citizenship under the Crémieux Law of the 24th October, 1870. Very few Moslems did so, because it entailed the acceptance of French civil law, which is at variance with the Islamic law in matters of personal status. The Moslems have always envied their Jewish compatriots, most of whom live in the cities of Algiers, Oran and Constantine. In August, 1934, the tension between the two communities resulted in anti-Jewish riots in Constantine and its vicinity, in the course of which the Moslems killed 25 to 30 Jews, and looted many Jewish houses. Under the Vichy regime, the Crémieux Law was revoked, and the Jewish officials, of whom there was a considerable number in Algeria, were dismissed. When the country was liberated the Jews were, after some hesitation, given back their French citizenship, and the first steps were taken to enable the Moslems also to register as French nationals.

45. The most backward Jewish community in North Africa, the Jewish community of Morocco, broke through the confines of the ghetto only a generation ago. Up to the present, a large part of the Jewish population lives in the

---

19) No reliable statistics are available regarding the number of Jews in Morocco. In the latest census only the subjects of the Sultan were included under the heading "Jews"; those who are not in that category as well as thousands of Jews in Southern Morocco who have in recent years flocked to the towns, were left out.

20) Alan H. Brodrick: "North Africa", Oxford University Press, 1942, p. 18.



Mellah (ghetto) of the cities of Casablanca, Marakesh, Meknes, Fes, Rabat, etc., under conditions of great poverty. Most of them are artisans, shopkeepers and hawkers. Jews are not eligible for employment in the French civil service because they rank as "natives", being mostly subjects of the Sultan of Morocco. At the same time there are almost no Jews in the Sultan's administration. The authorities do not favour the establishment of an official Jewish representative body. Only local Jewish communities are sanctioned, which function under the supervision of the Inspecteur des Institutions Israelites. These communities enjoy only a very limited measure of autonomy and are unable to do much to raise the social and cultural standards of their members.

## TURKEY

46. Of the 65,000 to 75,000 Jews in Turkey, between 40,000 and 50,000 live in Istanbul and the remainder in Smyrna, Adrianople, Ankara, Bursa, Adana and other towns. Here the Jewish problem is merely a part of the larger problem of the non-Moslem minorities (Jews, Greeks and Armenians), all of whom are subject to disabilities. Even such a true friend of the new Turkey as D. E. Webster could not but record "the failure to accord absolute equal civil rights to minority peoples".<sup>21)</sup>

47. Ataturk had intended to set up a modern secular state in which all citizens would enjoy equal rights, regardless of race or creed. In reality, there is no such equality in modern Turkey. The Jews - like other minorities - have no share in political life. They are not admitted into the People's Party which was till the end of 1945 the only party in Turkey. There is hardly a Jew in the civil service or in the numerous economic institutions established by the State (banks, industrial enterprises, etc.). When, for example, several years ago the Government acquired the electric corporation of Istanbul from its Belgian owners, it dismissed all the Jewish employees with the exception of one or two indispensable experts. In the army, discrimination against members of minority groups is the invariable rule. "Although Christian and Jewish citizens must perform the same term of service as others, they are assigned to menial tasks. Even young men of the greatest ability failed to pass the examinations for advancement into the officers' training school, if they are not of the Faith".<sup>22)</sup>

48. The same rule appears to hold good in economic life. "During the centuries while the business of the Turks was politics and the business of the Jews was business, there was no conflict. Now that the Turks are becoming commercially conscious and ambitious, a degree of tension has developed - a minority problem in the sociological sense - for while the Jews are not a tenth of the population in the principal commercial centres, their number exceeds ten percent of the business population. In the summer of 1934 the strain reached a point at which a hundred Jews fled from Edirne (Adrianople) to Istanbul."<sup>23)</sup> In the sphere of private business not less than in State-controlled enterprise, the minorities encounter ever increasing difficulties. The semi-official trade associations (Birlik), which issue import and export licences and control prices, discriminate, though not overtly, against all non-Moslems. Contracts for public works are given mainly to Moslem firms.

49. At the end of 1942, a special measure was adopted which clearly aimed at a complete elimination of the minorities from commercial and professional life. This was the one-time property tax, or capital levy, known as "varlik vergisi". Although theoretically imposed in equal measure on all Turkish subjects, it was in practice levied at only a nominal rate from Moslems, whereas the non-Moslems had to pay such exorbitant amounts that in many cases they had to liquidate their business completely in order to realise the sums due. Even so, many found their assets insufficient to cover the extortionate tax. The penalty for default under the "varlik" law was forced labour in special camps established in Eastern Anatolia. Actually, only Greeks, Armenians and Jews were sent to these camps. As a result of the tax, many non-Moslem businesses passed into the hands of Moslems or the State, and

---

21) D. E. Webster: "The Turkey of Ataturk", Philadelphia, 1939, pp.280-281.

22) D. E. Webster: "The Turkey of Ataturk", Philadelphia, 1939, pp.280-281.

23) Ibid



complete economic ruin threatened the minorities. Only war prosperity enabled them to find their feet again.

50. As a result of the operation of the present regime, Jewish communal life is almost completely stifled. The local Jewish communities are allowed to deal only with religious and welfare matters, and administer the few Jewish schools and hospitals left, under the strict supervision of the State. Zionism has been outlawed, not because of any specific opposition to it, but as a result of the all-round ban on independent political activity and on any form of association involving international affiliations. In the latter respect, the Zionist movement has shared the fate of Freemasonry.

51. In response to current international developments, a tendency towards some measure of democracy set in in recent months. It has found expression in the extension of the freedom of the press, the establishment of an "opposition party" and other measures. In this connection, for the first time in the history of the Turkish Republic, two young Jews were admitted to the military academy (Harbiye), while several Jewish clerks were engaged by the State banks. Undue importance should not be attached to these innovations. In January, 1946, a British newspaper published in Egypt summed up the plight of the minorities in Turkey as follows: "Reports by Greeks, Armenians and Jews all agree in one respect. These minorities prefer emigration to economic ruin or social humiliation as outcasts".<sup>24)</sup>

52. It is, indeed, hardly surprising that during the war the demand for Palestine immigration permits grew steadily in Turkey and that the Jewish youth of that country, of whom many are already in Palestine, is imbued with a strong Zionist feeling and determination to settle in Palestine.

#### IRAN

53. The 80,000 to 90,000 Jews of Iran are largely concentrated in the cities of Teheran (about 20,000, half of them living in a ghetto), Shiraz, Ispahan, Hamadan, etc.

54. For centuries past, the Jews of Persia suffered bitter persecution. Shi'ite Islam, which is the religion of most Persians, had little tolerance for the Jews; they were considered as unclean and practically untouchable. In 1839, the Jews of Mesh'had, in the north-east of Iran, were forced to embrace Islam by threat of wholesale massacre. To this day their descendants live as "Marranos", publicly professing Islam but secretly observing Jewish religious practices. The Jews of Iran were not able to set up independent institutions of their own to the same extent as the Jewish communities of the Ottoman Empire which enjoyed a wide measure of communal autonomy (the Millet regime). It is true that Reza Shah Pahlawi broke the power of the fanatical Shi'ite clergy, but the nationalist spirit which has developed in recent years is no more favourable to the Jews and the other minorities than Islamic fanaticism. "Anything that helps to increase national unity is encouraged" and anything that tends to divide it is suppressed. So while unorthodoxy of a nationalist character is welcomed, religions which are neither Islamic nor Iranian fare less well. Armenians, Assyrians and Jews all come in for their share, if not of persecution, at least of unpopularity. Minority clubs and societies are generally forbidden, though their religious organisations are as yet untouched, and, although they do not actually suffer from any disabilities, members of these groups rarely seem to reach high office".<sup>25)</sup>

55. This situation did not change materially after the occupation of Iran by the Allied armies and the dethronement of the dictator Shah. Except for a few Jewish officials in the postal and customs departments, there are scarcely any Jews in the Iranian administration.

56. The economic structure of Persian Jewry is peculiar. There is almost no Jewish middle class. The establishment by the former Shah of government monopolies in various trades seriously affected the economic position of the Jews. Except for a small group of wealthy Jews in Teheran (hailing partly from Iraq and partly from Europe), the masses of Jews live in abject poverty, under appalling housing and sanitary conditions, deprived of any social or cultural amenities. Palestine is the only ray of hope in their life. Emigra-

---

24) "Egyptian Gazette" (Cairo), 4th January, 1946 ("The Minority Policy in Turkey")

25) L. P. Elwell-Sutton: "Modern Iran", London 1942, pp. 145-146.



tion to Palestine spells to them not merely salvation from the ever-present threat of persecution, but escape from most degrading economic and social conditions. While such escape is merely a hope, Jewish youth is being increasingly attracted to the new left-wing movement.

### AFGHANISTAN

57. In Afghanistan, Iran's neighbour, there remains today only a small Jewish community of 3,000 to 4,000 souls, in Kabul, the capital, and in Herat. Only twelve years ago, Jews were still found in all parts of Afghanistan, but after the assassination of Nadir Shah in November, 1933, they were suddenly expelled from Andkhui, Mazar-i-Sherif, Maimana and other towns, and concentrated in the ghettos of the former two cities. The expulsion was effected with brutal force, most of the Jews being robbed of their possessions, especially of their immovable property. Up to the present Jews are not permitted to travel to any part of the country except by special permission.

58. A further blow was dealt to the Jews of Afghanistan when the Government introduced its new economic policy. In 1933 monopolies were established in most branches of trade. The Government founded joint stock companies, and gave their shareholders the exclusive right to engage in particular trades. Its object was to eliminate all "middle-men" and ensure that all profits made should accrue to the Government or the shareholders.<sup>26)</sup> Of the Jewish traders, only about a hundred were allowed to register as partners or shareholders in the companies. Today the economic situation of the Jews of Afghanistan is most deplorable. Many are reported to live on the verge of starvation.

59. Disabilities abound. No Jew is employed as a government official or in the police force. In the army Jews are employed only for menial duties. Every Jew must pay the head tax (jizyah) imposed on all infidels, and the payment of this tax is accompanied by humiliating ceremonies. Nazi propaganda has intensified the hatred of the Jews. The only way out for Afghani Jews is emigration. At present there are about 1,000 Afghani-Jewish refugees in India (most of them in Bombay), where they are awaiting permits for Palestine. Their position is unbearable; they have neither proper shelter nor means of livelihood. Many of the children have died from infectious diseases. They cannot return to Afghanistan, for their offence of unauthorised emigration renders them liable to severe penalties.

### CONCLUSION

60. The position of most of the Jewish communities in the East is characterised by a regime of disabilities and by a state of political and economic insecurity. They are denied an effective equality of rights and are at every step made aware of their inferiority. Their precarious status drives them to seek foreign support. When they do so, they are branded as disloyal. While their assimilation is even less practicable than in the West, they do not enjoy even a vestige of that liberty of national Jewish life which is considered a matter of elementary right in the English-speaking countries and in liberated Europe. They are denied the freedom of expression and affiliation and their conscience is continually violated by the pressure of hostile public opinion and by Government coercion. Anti-Jewish outbreaks, though of limited scope and infrequent occurrence, are a stern reminder of the ever-present danger. The Jewish catastrophe in Europe has revived and intensified the old fears. The attachment to Zion, deeply imbedded in religious tradition, is re-vitalised by the message of New Palestine. It is particularly strong among the poorer classes and the youth. The growing menace of the anti-Zionist movement makes the evacuation of all those who seek salvation in Palestine particularly urgent.

61. The emigration of Oriental Jews to Palestine has been continuous. In fact, a larger proportion of Oriental Jewry migrated to Palestine in the pre-war period than of the Jewish communities in the West. Within the last few decades, Palestine has absorbed about one-half of Syrian Jewry and nearly 40% of the Jews of the Yemen. During the war, immigration from Turkey has assumed considerable proportions, and as soon as North Africa was liberated, immigration from those countries was resumed. Jews from Iraq and Persia have

---

26) Cf. Sir Percy Sykes: "A History of Afghanistan", London 1940, Vol. II, p. 330.



trekked on foot and used every subterfuge in order to reach Palestine. In Egypt, serious organisation and training work for Palestine among the Jewish youth is in progress, and throughout the Orient - from Morocco to Teheran, and from Istanbul to the Yemen - the urge to settle in Palestine and the practical preparations towards that end are growing. The only alternative focus of hope and devotion for the Oriental Jewish youth is the Communist movement. If the writing on the wall is to be heeded, then the needs of Oriental Jewry, as regards both magnitude and urgency, must be assigned their due place in the present consideration of the problem of Jewish immigration into Palestine.





SH

THE JEWISH AGENCY FOR PALESTINE



THE POLITICAL PROBLEM OF PALESTINE  
*An Analysis of Proposed Solutions*

The Concluding Chapter of a Memo-  
randum, "Political Survey 1946-1947"  
submitted to the

UNITED NATIONS SPECIAL COMMITTEE  
ON PALESTINE



*Jerusalem*  
*July, 1947*



## THE POLITICAL PROBLEM OF PALESTINE

### *An Analysis of Proposed Solutions*

1. Whatever solutions may be advanced for the political problem of Palestine, it is evident that the present situation is untenable. The White Paper regime, which was initiated by the Mandatory Government under the shadow of impending war, has seriously impaired the great effort of reconstruction which began three generations ago and turned Palestine into the most advanced country of the Middle East. It shut the gates of their National Home in the face of the Jews of Europe at a time when they were confronted with wholesale extinction. It closed the greater part of Palestine to Jewish agricultural development. It has been responsible for the unprecedented phenomenon of Jewish terrorism. It has wrecked cooperation between the Jews and the Mandatory Power. It has thrown the country into a state of insecurity and uncertainty which is undermining confidence and paralysing growth. The present British Government declared on several occasions that the White Paper was no longer binding upon it. In the Supplement to the "Survey of Palestine" submitted to the United Nations Special Committee on Palestine, it is stated that on December 14th, 1945, "the White Paper policy was officially terminated." This statement cannot pass unchallenged. It is true that the British Government has decided to continue immigration beyond the limit of 75,000 set in the White Paper. But this figure may well be regarded as a matter of form while the substance of the White Paper immigration policy was the crystallisation of the Jewish community as a minority of one third. Bearing in mind the excess of Arab natural increase over that of the Jews, even with an annual immigration of 18,000 the Jews will for an indefinite time remain a minority of roughly that order of magnitude. Moreover, the essential constitutional innovations introduced into the Mandatory regime by the White Paper—the imposition of a political high level on Jewish immigration and the restriction of the

---

This is a reprint of the final chapter of a Memorandum entitled "Political Survey 1946-1947" submitted by the Jewish Agency for Palestine to the United Nations Special Committee on Palestine. The chapter analyses briefly the principal solutions of the political problem of Palestine proposed at various times.



area of free Jewish settlement to 5% of the country—have continued in force. These restrictive conceptions have also dominated the several proposals for the solution of the Palestine problem which were advanced by the British Government in the course of the past year.

### ***A. Continuance of the Mandate.***

2. In the course of the last few years it has been suggested in various quarters that the British Government revert to the full implementation of the Mandate as interpreted prior to the White Paper which the Permanent Mandates Commission by a majority declared to be incompatible with the Mandate. It is evident, however, from the statements and policies which have emanated from the present Government, that it is not prepared for such a return to the status quo ante. In the course of the informal talks with the Executive of the Jewish Agency in January, 1947, the British Foreign Secretary stated this in unmistakable terms. The British Government has repeatedly declared the Mandate to be unworkable, and there can be no doubt, as the Permanent Mandates Commission once stated, that the Mandate becomes unworkable when the Mandatory Power regards it as such. But it is not only the Mandatory Power which is averse from a return to the pre-1939 regime. There are certainly few voices in the Jewish camp which to-day would advocate it. The betrayal of the trust in 1939 and the events of the past two years have destroyed confidence in the Mandatory Power and the Palestine Administration. Moreover, the Jewish community has outgrown the old tutelage—the system of restrictions and frustrations which has hampered its growth during the past 25 years. In the trials of the war and the post-war years, it has attained manhood. It feels ready for the assumption of national sovereignty. It demands a final settlement, and there can be no finality in a return to the mandatory regime. The quest for a new political framework therefore becomes inescapable.

### ***B. Joint Trusteeship.***

3. If a continuance of the British Mandate cannot, for the reasons stated, be regarded as practical politics, it might be asked whether the policy of the Palestine Mandate could not be consummated by a joint trusteeship. The objections to such a course—apart from the general consideration that it would also not entail finality—derive



from the experience of the British administration of the Palestine Mandate. The Mandate did not break down because it was inherently unworkable, but because the British Government in the course of time came to regard the Jewish National Home policy as an inconvenient hindrance to its general political interests in the Middle East. It abandoned the great concept of a solution of the Jewish world problem in and through Palestine—for the execution of which the administration of the country was expressly entrusted to it—because considerations of power politics made it appear preferable to curry favour with the Arab world. There is no reason to assume that considerations of power politics—oil, strategic bases, lines of communication, etc.—would not thwart the administration of a joint trusteeship in much the same way. There is, in fact, every ground for fear lest, under a joint trusteeship, the position might become even worse in that the several trustees might be influenced by divergent interests. It is evident that an Administration rent by such internal differences would ruin any chance of dynamic policy and ordered progress. No collective trusteeship, such as provided for in Article 81 of the United Nations Charter, has yet been undertaken anywhere. The present phase of inter-Allied differences and stalemates, as exemplified by the recent meetings of the Council of Foreign Ministers, the sessions of the Atomic Energy Commission and, in the administrative sphere, the Inter-Allied Councils in Berlin and Vienna, hardly provides a congenial atmosphere for the initiation of a joint venture of international government in a problem-ridden country like Palestine. It may be appropriate to quote in this connection a warning recently uttered by Professor Rappard, one of the most experienced observers of the Mandates system and a member of the Permanent Mandates Commission throughout its existence: "What we may fairly declare today," he writes, "is that it would in any case be a real international tragedy if, in the settlement of this delicate question, the interests of the wards were to be sacrificed to the jealousies of the guardians." (Journal of Politics, November 1946, page 524.)

### **C. Cantonisation.**

4. Another way out of the difficulty has been sought along the lines of cantonisation. The British Government itself has, in the course of the past year, advanced two cantonisation proposals—the Morrison and Bevin schemes. The essential feature of both is that



the supreme control of the country remains vested in the British Government and that a limited measure of provincial autonomy, subject to curtailment and repeal, is granted to Jews and Arabs. In the Morrison Scheme the Jewish and Arab provincial areas were designed to form contiguous units which might, at a later stage, grow into independent states. Under the Bevin Scheme the country might be broken up into disjointed Jewish and Arab areas, which suggests that no development towards independence but the permanent maintenance of British overlordship was intended. In both schemes the inspiration of the White Paper is in marked evidence. Under both, the ultimate control of Jewish immigration would be vested in the High Commissioner. Under the Bevin variant, the High Commissioner would be advised on immigration by a body consisting of both Arabs and Jews, which means in effect that Jewish immigration would, in the first instance, be subject to Arab consent. In the event of disagreement, either party might appeal to the United Nations tribunal—a procedure which would lend itself to indefinite delays and might lead to a complete paralysis of Jewish immigration. Similarly, the White Paper conception of limiting Jewish settlement to a small area of the country—the area which the Jews have already developed—and of preventing any Jewish development in other parts, is carried over into both the Morrison and the Bevin scheme. The financial basis of the two schemes is that the Jews—through the medium of the Central Government which retains control of all major sources of revenue—are required to cover the deficit of the Arab Provinces. Finally, both schemes leave the ultimate political future of the country undecided. They thus perpetuate the political uncertainty which is the major cause of the present troubles and constitutes a standing inducement to the Arab majority to endeavour to secure an all-Arab settlement by intimidation and violence.

5. The specific objections to the Morrison and Bevin schemes have been set out in detail earlier in this Memorandum (Chapters III and VII).<sup>\*</sup> It is, of course, conceivable that a cantonisation project might be devised which would be free from some of the objectionable features of these two particular schemes. Any cantonisation proposal, however, would by its very nature be fraught with organic defects, some of which were pointed out in the Report of the Palestine Royal Commission (Chapter XXI).

---

<sup>\*</sup> The reference is to the full Memorandum of which this is a reprint.



6. The essential objections to any scheme of cantonisation are:

(a) Cantonisation does not offer the prospect of a final and lasting settlement.

(b) Cantonisation does not offer national self-government; it vests ultimate control in the British High Commissioner and his Administration, makes them the arbiters between Jews and Arabs, and thus perpetuates the evils of the present regime.

(c) Cantonisation, by denying the Jews access to large areas, prevents any comprehensive development of the country's resources and potentialities.

(d) Cantonisation does not meet the main issue: immigration. In any cantonisation scheme the Central Government is bound to claim at least a veto on the Jewish Area's control of immigration, in exercising which it would inevitably be influenced by the same Arab opposition to Jewish immigration which it has in the past so conspicuously failed to resist. The tendency to restrict Jewish immigration, which was prevalent throughout the years of the Mandatory regime even before the White Paper, would under cantonisation derive added strength from the argument that the area of Jewish absorption would henceforth be much smaller. Moreover, by their over-all control of economic policy, the High Commissioner and his Administration would be able to exercise an incisive influence on the economic absorptive capacity of the Jewish Area.

(e) Cantonisation, in whatever form, imposes upon the Jews—though limited in numbers (ab initio and by the restrictive immigration regime) and in area—the burden of providing for the financial needs of the Arab districts and the Central Government.

(f) Cantonisation, to be workable, requires a measure of general agreement which is absent in Palestine.

"The drafting of federal constitutions," wrote the Royal Commission, "is never easy. Complicated questions are involved in the structure of the central government and the division of function between it and the component units. There



are constant dangers of overlapping and of rival claims on the same field of authority. In 'cantonised' Switzerland and most other federations, federation was the act of a number of separate units which bound themselves together for the furtherance of common objects. In such federations the community of interest or tradition which has supplied the motive for union will also supply that element of reasonableness and good will by which compromises may be arranged and friction overcome. In Palestine no such element is present. The 'interference' of the Central Government would always be resented by both Arabs and Jews and, we fear, wherever possible hindered, as an alien and unwanted intrusion."

(g) Cantonisation would inevitably leave the major responsibility for maintaining security in the hands of the Mandatory Government. Past experience has shown that the Mandatory has failed to discharge this task and to afford adequate protection to the Jews. On this point the Royal Commission commented as follows:

"The first of all conditions necessary for the welfare of any country is public security.' So wrote the first High Commissioner of Palestine when reviewing his five years of office. To-day it is evident that the elementary duty of providing public security has not been discharged. If there is one grievance which the Jews have undoubted right to prefer it is the absence of security. Their complaints on this head were dignified and restrained.

"Our review has shown that the steps taken at different intervals by the Palestine Administration to strengthen their security services, to enforce respect for law and order, to guarantee to the Jews 'quiet enjoyment' of their National Home, have more than once proved ineffectual."

(h) Finally, cantonisation would rule out Jewish independence and a seat for the Jews in the United Nations. The Jewish National Home in Palestine would thus be denied the protection which only membership in the United Nations can afford, and the problem of the status of the Jewish people in the family of nations would remain unsolved.



7. The three schemes outlined and analysed above involve the continuance of Palestine under foreign control. In the following sections it is proposed to treat of solutions designed to confer upon the country, immediately or in the near future, a full measure of independence.

#### ***D. Arab State.***

8. The solution consistently advocated by the Palestine Arab Higher Committee and supported by the Arab League, is the immediate establishment of Palestine as an Arab State in which Jews would form a permanent minority. It is this conception which virtually underlies the political solution of the Palestine problem embodied in the 1939 White Paper. Its objective was defined as the "establishment within ten years of an independent Palestine State," which by virtue of its constitutionally guaranteed two-thirds Arab majority would place the Jewish National Home under Arab domination. There is thus no essential difference between the "independent Palestine State" of the British White Paper and the "independent Arab State of Palestine" of the Arab League. In the White Paper it was stated that the future constitution of the Palestine State would have to make adequate provision "for the special position in Palestine of the Jewish National Home." But when the Colonial Secretary was pressed in Parliament for more precise information on this point, he replied vaguely that "those are measures for consideration when the time arises" (House of Commons, May 22nd, 1939, Hansard, Col. 1961). The proposal for the establishment of an Arab State had previously been made by the Arab Higher Committee when they appeared before the Palestine Royal Commission. It may be appropriate in this connection to quote the relevant section from the Report of the Commission:

"The Arab Higher Committee assured us that the welfare of the Jewish minority would be safeguarded not only by specific provisions in the Treaty which would accompany the grant of independence but also by the habitual toleration which Jewish minorities have enjoyed in other Arab lands. But it must be remembered that those Jewish minorities elsewhere are relatively very small and that the Jewish minority in Palestine is already regarded by the Arabs as too big. On this point the fol-



lowing questions put to the Mufti of Jerusalem and his replies should be noted:

‘Q. Does His Eminence think that this country can assimilate and digest the 400,000 Jews now in this country?

A. No.

Q. Some of them would have to be removed by a process kindly or painful as the case may be?

A. We must leave all this to the future.’ ”

It need hardly be said that the Jewish people will not be inclined to entrust their future either to the tender concerns of the Mufti or to the “special provisions” envisaged by the British Colonial Secretary. By its very nature the Jewish National Home is incompatible with minority status.

9. The proposal for the establishment of an Arab majority state in the whole of Palestine was officially submitted by the Arab States’ delegations to the Palestine Conference on September 13th, 1946. The scheme provided for the transition of Palestine from a mandated territory to an independent state. It was proposed that the Head of the Palestine State should assume his functions not later than December 31st, 1948. The first step was to be the setting up of a provisional government consisting of seven Arab and three Jewish ministers of Palestnian nationality, to whom all legislative and executive powers would be transferred subject to an over-riding veto by the High Commissioner during the transition period. This would be followed by preparations for the election of a Constituent Assembly for the purpose of adopting a constitution. In the event of no agreement being reached within six months, the Provisional Government would be empowered to enact its draft constitution. The constitution would provide for the establishment of Palestine as a unitary state. Naturalisation would be contingent on ten years’ continuous residence. This requirement of ten years’ residence would be made retrospective for any persons naturalised after May, 1939 (the time at which the White Paper came into force). The constitution was further to contain guarantees for the right of religious bodies or other societies and individuals to maintain, in addition to public schools, “private schools and universities subject to compulsory teaching of Arabic in the schools and to Government control for the purpose of maintaining



educational standards and preventing subversive teaching with the object of creating a common allegiance." Jews were to be allowed to employ Hebrew as a second official language in districts where they formed an absolute majority. The electoral law for the Legislature would provide that in no case should the number of Jewish representatives exceed one-third of the total number, while the constitution was to ensure that this ratio should be reflected also in the composition of the Executive and of the Administration generally. Unless and until legislation provided otherwise, Jewish immigration should be entirely prohibited and the present land transfers restrictions remain in force. The constitution was to provide expressly that any change in regard to these two matters could be effected only by a law enacted with the consent of a majority of the Arab members of the Legislature. In other words, if a minority of the Arab members were to vote with the Jewish members in favour of Jewish immigration or the modification of the land restrictions, and if together they formed a majority, such a majority would not suffice. The rights of the Jewish citizens mentioned above—the reference can only be to the employment of Hebrew in Jewish districts, as no other Jewish rights are mentioned—would not be subject to amendment without the consent of a majority of the Jewish members of the Legislature. It was further proposed that after the establishment of the independent State and the termination of the Mandate, a treaty of alliance should be concluded with the British Government.

10. It will be evident from the above summary that the scheme proposed by the Arab League to the London Conference was a unitary Arab state with a permanent Jewish minority of not more, and in the course of time, with the natural increase of the Arabs, less, than one-third of the population. The provision for Government control of private schools for the purpose of "preventing subversive teaching with the object of creating a common allegiance" may be dismissed as relatively unimportant. Nevertheless, as a straw which shows in what direction the wind is blowing, it is a clear indication of what would be in store for the Jews in an Arab State of Palestine. The Jews of Palestine would be reduced to the position of physical insecurity and political oppression which is the lot of Jewish communities in Arab countries. Having regard to the spirit and ideals of the Jews of Palestine, their national pride and their urge to freedom, their territorial concentration and ability to fight, such a scheme could,



if at all, be enforced only by large-scale bloodshed and ruthless repression. Of the effort entailed in such repression the Arabs alone would not be capable.

### ***E. Bi-National Parity.***

11. It has been suggested by certain men of good will that the solution of the problem lies in the creation of what is called a Bi-National State based on the principle of political parity—that is, a state in which the Jews and the Arabs would, as collective units, have equal representation in the legislative and executive organs regardless of their respective numbers at any given time. The suggestion has in recent years been advocated, in particular, by the Hashomer Hatzair party and the Ichud group, though each of these appears to have a different conception as to the constitutional elaboration of the basic parity principle. Bi-nationalism as such has never been mooted by any authoritative Arab quarter and it has not found any marked support among the Jews either in Palestine or abroad. The official Zionist programme is opposed to the bi-national conception. The idea seems, however, to have made some impression on the Anglo-American Committee, and its constitutional proposals for the ultimate solution of the Palestine problem, though lacking in clarity and elaboration, may be said to envisage some such arrangement.

12. The idea of political parity gained ground in official Zionist circles in the early thirties, as a practical expression of the principle of mutual non-domination in Jewish-Arab relations which was adopted by the Zionist Congress. It was advanced as a basis on which the Jews would be ready to cooperate in the establishment of a Legislative Council which was then under discussion. In this context it was tentatively mooted by Jewish spokesmen before the Palestine Royal Commission. It was put forward not as an arrangement to supersede the Mandate but as a way of preparing the country for self-government while the Mandate was still in operation. The assumption in those years was that the Mandate would continue in force for a considerable time and that the Mandatory would generally adhere to its obligations. It was therefore believed that the Mandatory, by acting as an umpire, would resolve deadlocks arising from the clash in the Legislature of two equally balanced national groups. It was



also assumed that by using its casting vote in the spirit of the Mandate, the Mandatory would ensure the fulfilment of its provisions against the obstruction of the Arab half of the chamber.

13. The Royal Commission seems to have based its conclusions on a different premise. It must have envisaged the termination of the Mandate and an early transition to independence. Deprived of its central pillar—the Mandatory—the parity structure collapsed. The Royal Commission thus reached the conviction "that parity is not a practicable solution of the problem." Its reasons, cogent to-day as they were in 1937, seem worth quoting:

"In the first place it is difficult to believe that so artificial a device, even if the Arab leaders were willing to adopt it, would operate effectively or last for long. Government by Parity is not representative government as it is understood in the democratic world. It is applied, it is true, to the constitution of the Upper Chamber in the legislatures of the United States and other federal democracies to provide for the equal representation of the States or Provinces of which the Federation is composed. But it scarcely need be pointed out that this concession to local interests is more than balanced by the representation of the people as a whole in the Lower Chamber and that, if the United States Congress were entirely based on inter-State Parity, it would not exist for a day. Other analogies, drawn from European history, are equally inapplicable.

"Secondly, we do not think that Parity, supposing again the Arab leaders would accept it, would tend to promote more amicable relations between the races. Fights are most stubborn when the two sides are equally matched; and we believe that the regular outvoting of a minority by a majority would actually engender less bitterness than a permanent conflict between two parties of precisely equal strength. Parity, in fact, like too many other devices which seem at first to offer a chance of escape from the *impasse* into which Palestine has drifted, depends for any success it might achieve on the old fundamental assumption that, despite all the evidence to the contrary, some measure of compromise or reconciliation between the races can be expected, that on vital issues some Arabs will be found to vote with Jews and some Jews to vote with Arabs."



14. For reasons already stated, the parity arrangement, like any other proposed solution, must now be examined against the background of independence, and not of the continuation of foreign or international tutelage under any form. The test by which it must be judged is whether by itself, without the introduction of a third party, it affords a workable basis at all, and, if it does, whether its operation will ensure the fulfilment of the original purpose of the Mandate. The basic argument against a bi-national parity scheme is that it springs from a faulty appreciation of the political, economic and social realities of the Palestine situation. It assumes, to begin with, political cooperation between a national group whose highest purpose is to promote Jewish immigration and a national group whose firmest resolve is to prevent it. The mere definition of the goals indicates the insoluble nature of the difficulty, if the two groups are to pull exactly the same political weight. The resulting permanent deadlock would not ensure equality between the two parties as to the attainment of their aims. Immigration requires an affirmative decision which will not be forthcoming in the event of a deadlock. The result will thus be no immigration—a permanent victory for the Arabs and a permanent defeat for the Jews.

15. To meet this obvious difficulty, the scheme of the Hashomer Hatzair party provides for the control of immigration to be taken completely out of the hands of the bi-national legislature, and by special provision of the constitution to be vested permanently in the Jewish Agency for Palestine. Quite apart from the serious question which the proposed arrangement must raise as to the practicability of the entire scheme, regarding which, *ex hypothesi*, mutual agreement is of the very essence, the proposal to solve the Jewish immigration problem by conferring mere formal control on the Jewish Agency is, in the context of bi-national parity, inherently fallacious. For it will matter very little whether Jewish immigration is "protected" by a special constitutional guarantee or left to the normal legislative process. In either case it will be subject to the uncompromising opposition of a coequal political unit. Since no constitutional guarantee is self-executing, but requires legislative and executive action to implement it, the safeguard devised by Hashomer Hatzair will not rescue Jewish immigration from the paralysing effects of the parliamentary and administrative deadlock.



16. Power to regulate immigration does not merely mean power to issue visas, nor merely power to admit the immigrants on arrival—which even under the Hashomer Hatzair variant of bi-nationalism would presumably be a police function and not an exclusive prerogative of the Jewish Agency. The constructive control of immigration, to be fully effective, must carry with it freedom to create the economic absorptive capacity which is inseparable from state control of economic life, from fiscal and tariff policy, from powers to carry out large-scale development schemes. The entire state budget must be so shaped as to give effect to an active immigration policy. If the special statutory powers to be conferred on the Jewish Agency are not to be stultified, they must find their concomitant in the concerted programme of state action in many fields, a programme which would directly depend upon the willing cooperation of the legislature and the executive. A consistent obstruction of pro-immigration measures in the organs of government set up on a parity principle will render the Jewish Agency's power to control immigration illusory.

17. The entire economic and social trend of the State is here at stake, both from the standpoint of immigration and from other aspects. The Jewish community is predominantly dynamic, the Arab largely static. The Jews must quicken progress—to absorb immigrants, to make the most of their limited opportunities, to keep up their standard of living by higher productivity. The Arabs have a great deal of apathy, lethargy and inertia to overcome. They are interested in progress, but they can afford, and in fact prefer, to go slow. In general, the standards and outlook and the very pulse of life of the two groups are so wide apart that to harness such divergent elements as equal partners to the same state enterprise must inevitably retard the progress of the quicker to the pace of the slower—rather than leave the former free to set examples and achieve records for the latter to emulate. The result must be perpetual conflict and crisis.

18. The experience of other states within whose framework peoples of diverse national origin cooperate successfully, such as Canada and Switzerland, has sometimes been cited as an example for Palestine. What seems to be overlooked is that these states have not been beset with the problem of one national section of their population claiming immigration as the very goal of its own existence with the



other section anxious at all costs to defeat that goal. Nor, in a successful democratic state, has there been so sharp a cleavage between two peoples on general aims of governmental policy. To draw analogies, therefore, from existing bi-national or multi-national states or from historical precedent of a similar kind is to miss the unique character of the Palestine problem. The crux of that problem is not how to harmonise the interests of two sections of an existing population. It is how to enable the country to become a national home for a people which has not yet been fully resettled in it, without worsening the position of its existing population.

19. The rejection of bi-national parity as a solution of the problem does not indicate lack of faith that in the long run cooperation between the two peoples in Palestine will not supplant strife. What is rejected is the conception that Jews and Arabs can operate a joint state by pulling collectively equal weight in its councils; not that Jews and Arabs can live together within the framework of one state, cooperating in various spheres of economic, municipal and social activity. Ample evidence of collaboration in day-to-day life is available even under present conditions. In the course of time Arab standards will tend more and more to approximate to the Jewish. One may also expect the common economic and social interests of the parallel elements in the two communities to assert themselves more fully and bring about a political re-alignment. Thus it may be supposed that the Arab worker will make joint political cause with the Jewish worker, and the Arab farmer with the Jewish farmer. This may happen, rather sooner than some expect, on particular issues of common interest. But there are compelling considerations against the assumption that such re-alignment will develop in the near future on the broader issues involved—foremost among them on those of immigration and development. Apart from the intrinsic causes of conflict, it would be to the continued advantage of Arab politicians to keep alive the present intransigence, and it would, conversely, be dangerous for any Arab to support a measure helpful to Jewish immigration.

20. Internal security must also be considered as a serious problem in a parity state. The control of the police force would presumably be in the hands of the executive branch of the government, but if



violence should become an adjunct of political agitation, the parity arrangement would again, as in other matters, operate against effective police action. For not only would difficulties on the security budget arise in a legislature stalemated by the very conflict itself, but the loyalty of one section of the police would be doubted by the other section of the community. So long as there is equality of political status between two peoples, the debilitating effect of the veto will inevitably leave its mark upon police action. For no executive in a democratic state can be vigorous or effective save with the support of a majority in the legislature. And that majority would be lacking in times of political crisis. The loyalty of the policeman to the group of his own origin would, in all likelihood, transcend his loyalty to the state. To leave the internal security of the country, on the other hand, to a foreign power would make the parity state a shadow state, for no function is as essential to government as the responsibility for maintaining public order. On the contrary, to leave police responsibilities in the hands of a foreign power is to leave to that power the very destinies of the people. Control of the mechanism of security could, in such circumstances, be easily converted into control of the government itself.

21. The parity state fails, therefore, as a practical solution. It would not give respite to strife, but would, rather, encourage its continuance. It would create a government without inherent capacity to govern, for the stalemate would be more common than the compromise. It would support contumacy against public order by balancing the scales so evenly that resistance could inhibit any vigorous action. It would fail to achieve any major objects of national development, for the processes of government would be stultified by the very equality of status. In short, it would be a state born in indecision and doomed to sterility.

22. The only way out of a state of permanent deadlock and futility will be resort to foreign control, in regard not merely to the maintenance of public order but to all state functions. The scheme propounded by Hashomer Hatzair freely acknowledges this inescapable conclusion. There it is proposed to place Palestine for the next 20 or 25 years under a Special Development Authority which would be responsible to a Permanent Supervisory Commission to consist of representatives of the United Kingdom, the United States and the



Union of the Soviet Socialist Republics. The object of the Development Authority would be to settle in Palestine two to three million Jews, to raise Arab standards of living and education up to the Jewish level, and to promote Arab-Jewish cooperation. Arabs and Jews would be associated in administrative and legislative functions on the basis of parity by gradual stages spread over the period of "supervision." Only at the end of 20 or 25 years would independence be achieved, and even then the Supervisory Commission would continue to function until the United Nations decided that the constitution of the bi-national state was working satisfactorily. Whatever the intrinsic merits and the prospects of practicability of the various features of this scheme, one thing is clear: it definitely takes the bi-national state, for the foreseeable future, out of the context of independence, and makes such a state, for all practical purposes, another variation on the mandate or trusteeship theme. What disastrous effects such indefinite prolongation of foreign rule is bound to have on the development of the Jewish National Home and on the peace and stability of Palestine has already been sufficiently indicated in previous pages.

#### ***F. Jewish State.***

23. Since the destruction of Jerusalem by the Romans, the Jews have never given up hope of re-establishing their Commonwealth. The history of political Zionism began with the appearance of Herzl's challenging work, "The Jewish State." In the Zionist programme, adopted by the Basle Congress in 1897, the term "National Home" was used to define the object of the movement, and this term was also embodied in the Balfour Declaration and the Palestine Mandate. It was realised by the draftsmen of these documents that it was premature at that time to speak of a Jewish State when the Jews still formed but a small minority in Palestine. The Mandate could do no more than provide the framework for the gradual evolution, by Jewish effort, of a new Jewish Commonwealth, and its provisions were drafted accordingly. But that such was the aim in the minds of those responsible for the Balfour Declaration and the Palestine Mandate was established beyond doubt by the exhaustive inquiry made by the Palestine Royal Commission in 1937. The relevant passages of their Report read as follows:

"We must now consider what the Balfour Declaration meant. 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 a 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 a 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. Mr. Lloyd George, who was Prime Minister at the time, informed us in evidence that:

'The idea was, and this was the interpretation put upon it at the time, that a Jewish State was not to be set up immediately by the Peace Treaty without reference to the wishes of the majority of the inhabitants. On the other hand, it was contemplated that when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them by the idea of a national home and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish Commonwealth.'

"Thus His Majesty's Government evidently realised that a Jewish State might in course of time be established, but it was not in a position to say that this would happen, still less to bring it about of its own motion. The Zionist leaders, for their part, recognised that an ultimate Jewish State was not precluded by the terms of the Declaration, and so it was understood elsewhere. 'I am persuaded,' said President Wilson on the 3rd March, 1919, 'that the Allied nations, with the fullest concurrence of our own Government and people, are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth.' General Smuts, who had been a member of the Imperial War Cabinet when the Declaration was published, speaking at Johannesburg on the 3rd November, 1919, foretold an increasing stream of Jewish immigration into Palestine and 'in generations to come a great Jewish State rising there once more.' Lord Robert Cecil in 1917, Sir Herbert Samuel in 1919, and Mr. Winston Churchill in 1920 spoke or wrote in terms that could only mean that they



contemplated the eventual establishment of a Jewish State. Leading British newspapers were equally explicit in their comments on the Declaration." (P. 22).

24. Such also was the interpretation which the Zionist Movement itself placed on the Balfour Declaration and the Mandate, and in accordance with which it directed its constructive efforts. It was satisfied to let developments take their own course, feeling confident the Jewish efforts would in the end result in the establishment of a Jewish majority and that Palestine would in the words of Mr. Lloyd George "thus become a Jewish Commonwealth." Efforts made at various times by minority groups in the movement to secure an official pronouncement by the Zionist Congress on the final aim of Zionism were consistently discountenanced as likely to hinder rather than help the achievement of that objective. The situation in this respect underwent a radical change when the British Government in 1937 declared the Palestine Mandate to be unworkable and pronounced in favour of dividing the country into two separate independent States. If the Mandate were to be abolished, it would become incumbent upon Jews also to define their ultimate aim in a concrete formula, and this formula could clearly be none other than the re-establishment of the Jewish Commonwealth. When, two years later, the Palestine White Paper had wrecked the mandatory regime, such restatement became inescapable. It was clear that the old order was dead and that a new political framework would have to be created.

25. The inference from the new situation was first drawn by the National Conference of American Zionists which met in the summer of 1942 at the Biltmore Hotel in New York and adopted the so-called "Biltmore Programme" urging the establishment of a Jewish Commonwealth, to be integrated in the new democratic order of the post-war world. This programme was subsequently endorsed by the British, Canadian and South African Zionist Federations and by other important Zionist organisations throughout the world. It was adopted as the programme of the movement by the Inner Zionist Council in Jerusalem on November 10th, 1942, and was endorsed by the World Zionist Conference in London in August, 1945, and by the Zionist Congress in Basle in December, 1946. The original text of the programme reads as follows:

"The Conference urges that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration



into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world."

This programme was brought to the notice of the British Government in two comprehensive memoranda submitted to the British Prime Minister, Mr. Winston Churchill, on October 16th, 1944, and on May 22nd, 1945.

26. Various trends converged to inspire the adoption of the Biltmore Programme. Even before the full extent of the Jewish tragedy in Europe was realised, it had become clear that the end of the war would call for a comprehensive solution of the Jewish problem and that the only permanent solution was the re-settlement of the bulk of European Jewry in Palestine. This called for large-scale development of the country's resources which, in the light of past experience, could not be achieved within the fettering framework of the Crown Colony regime under which Palestine had been governed for the past two decades. It was equally clear that in the new international order whose foundations were being laid during the war, there was little chance of the Jewish National Home and the Jewish People being able effectively to defend their interests unless granted full international status. Such equality of status, moreover, was essential if a lasting understanding was to be reached between the new Jewish Palestine and the surrounding Arab world. Only when the Arab States had to accept the Jewish National Home as a political entity of equal status, and not merely as an unprotected minority group, would they be inclined to come to terms with it.

27. These arguments have lost none of their validity since they were first enunciated during the war. The developments of the later war years and the post-war period have, indeed, made the case for Jewish Statehood more cogent than ever. The unprecedented European catastrophe called for historic reparation and only a Jewish State could serve as an effective means of preventing its recurrence. Moreover, if the Jewish survivors of the Nazi slaughter were to be rescued, if the Jewish communities of the Middle East were to be saved from a fate similar to that which had befallen their brethren in Europe,



if the Jewish effort of reconstruction in Palestine was to be protected against destruction by Arab power politics, it was clear that a political framework would have to be set up to make possible immediate large-scale Jewish immigration. Such immigration could be absorbed only if access to the country's economic resources and control of its economic policies were vested in those who were vitally concerned to promote that immigration. The case for a Jewish State was further strengthened by the international developments of the post-war era. After five Arab States had been admitted to the United Nations and secured representation on all its councils, it was clear that if Jewish Palestine was to survive and grow, it must achieve statehood and equality in the councils of the United Nations; only then would there also be a chance of an agreement with the neighbouring Arab States. The dangers inherent in the present unprotected status of the Jewish National Home were illustrated by the economic boycott which the Arab States declared against Jewish Palestine in December, 1945, and rigorously enforced with their administrative machinery. Finally, as already pointed out, the Yishuv had matured in the efforts and ordeals of war; it was ready for statehood; its subordination to foreign rule had become an anachronism.

28. The principal difficulty involved in the transformation of Palestine into a Jewish State derived from the fact that the necessity of the consummation of the Zionist programme had arisen at a time when the Jews did not yet form a majority of the population as had been envisaged by Mr. Lloyd George. It has previously been shown that it was not the Jews who took the initiative in urging the abolition of the Mandatory regime and in demanding statehood, as was misleadingly suggested by Mr. Bevin in the House of Commons. That course was forced upon them by the British Government's renunciation of its mandatory trust and by the necessity of the substitution therefor of a new political structure ensuring the implementation of the Jewish National Home policy. The claim for a clear international decision in favour of the establishment of Palestine as a Jewish State at the time when the Jews still form but a minority of the population sets, indeed, an unprecedented problem, but having regard to the crying need of the Jewish people and the stage reached by Jewish development in Palestine, this demand is both just and practicable. The Jewish National Home policy was adopted by the Allied and Associated Powers after the first World War at the same time as they



conferred independence on the Arab territories which had formerly been part of the Ottoman Empire. Mr. Balfour in a memorable oration appealed to the Arabs not to grudge the Jews the "small notch of Palestine" when they had themselves just been liberated by the Allied victory. To that victory, as the Royal Commission pointedly affirmed, the Jews had made a not insignificant contribution, and to the extent that the contribution had helped in winning the war, the Arabs, too, were under an obligation to the Jews. This applies with even greater force to the second World War in which Palestine Jews, in relation to their numbers, made a signal contribution to the defense of the Middle East and the Allied war effort. On the other hand, the Arab States, without lifting a finger to help in the war, have been spared a new enslavement; they now enjoy full statehood and independence throughout the Middle East, have seats in the United Nations, and are associated in an all-embracing Arab League. The attainment of Arab freedom and unity which the Emir Feisal posited in his Agreement with Dr. Weizmann in January, 1919, as the preliminary condition for Arab agreement to a Jewish Palestine has been fully realised. The Jews, on their part, have not failed to make good in Palestine. They have also shown that in developing the country and opening it up to Jewish immigration they have scrupulously observed Arab interests and greatly benefited the Arab population. In this, as in other spheres, they have shown that they are capable of undertaking the responsibility for governing the country. Nor can there be any doubt that by a comprehensive immigration scheme to be carried out with the assistance of the United Nations, the numerical position in Palestine could, within a certain period of time, be so changed as to give the Jews a virtual majority. Such is the case for a Jewish State.

29. What will be the character of this State? It will be an independent self-governing Palestinian State with a Jewish majority in which all citizens regardless of race or creed will enjoy equal rights and all communities will control their internal affairs. The State will not be Jewish in the sense that its Jewish citizens will have more rights than their non-Jewish fellows, or that the Jewish community will be superior in status to other communities, or that other religions will have an inferior rank to the Jewish religion. It will be Jewish because the Jews will have a right of entry not limited by any political considerations; because in it Jews will be free to create a society



according to their own way of life; because in addition to ensuring the welfare of all its inhabitants, this State will have the special function of serving as a National Home for the Jewish people and providing a refuge for oppressed Jews; because by its existence it will normalise the status of the Jewish people.

30. For the State to achieve these ends it is essential that it should have a Jewish majority. It is only when Jews enjoy in Palestine the majority position which every normal people holds in its native land that they will be able to feel secure and settled, that they will no longer need to fear subjection to the will of others or the threat of a new exile. The creation of a Jewish majority position in Palestine is the essential pre-requisite to the solution of the Jewish world problem.

31. A Jewish majority in Palestine necessarily implies that non-Jews will form a minority of the population. It does not imply that they will be reduced to what is commonly known as "minority status." In setting up their State the Jews will devise constitutional forms for giving effect to the non-domination principle which the Zionist movement has proclaimed at earlier stages. Such non-domination will be achieved, not by the mechanical device of a constitutional parity which would hamper the constructive efforts of the majority by the veto of the minority, but by removing essential concerns of the minority from the realm of majoritarian control. When the proposal for the establishment of a Jewish Commonwealth was adopted by the General Zionist Council as the official platform of the movement, the following resolution was passed on the position of non-Jews in a Jewish State:

"The Jewish State will be based upon full equality of rights of all inhabitants, without distinction of religion or race, in the political, civic, religious, and national domains, and without domination or subjection. All communities will enjoy full autonomy in the administration of their religious, educational, cultural and social institutions. The Arabic language and Arab schools will enjoy full State rights. Municipal self-government will be developed in all towns and villages. The State will exert all efforts to raise and equalise the standard of living of all the inhabitants of Palestine."



32. It will be seen that this is fundamentally different from the catalogue of individual and civic rights embodied in most written constitutions which has proved so woefully inadequate for protecting the national rights and spiritual concerns of minority groups. Here something much more comprehensive and effective is intended. In the first place, the individual non-Jewish citizen, and not only the citizen but every inhabitant, will enjoy in full measure the rights which his Jewish fellow is entitled to exercise in the political, civic, religious and national domains. This means that he will have the franchise on the same terms as the Jew in elections to central and local representative bodies. He will be eligible to such bodies, he will be capable of being elected to every executive office, high or low, he will not be at a disadvantage because of his race or religion in the matter of employment in public office or in public works. He will enjoy full freedom of religious worship and practice. He will be free to use his national language and to send his children to any school administered by his own community, in which his national traditions are cultivated and inculcated in the minds of the young.

33. Over and above these rights of the individual, the non-Jewish community will exercise full autonomy in the administration of its religious, educational, cultural and social institutions, and the Arab language and Arab schools will enjoy full state rights. This means that it will be possible under the constitution of a Jewish State for any national minority group and for any religious group to claim the right to set up a representative body to administer its special concerns in the spheres enumerated above, that is to say, its religious establishments, houses of worship, monasteries, religious courts, schools, colleges, hospitals, old age homes, etc. The Arab schools will receive financial support from the Central Government in accordance with their needs. The Arab language will be freely used in official intercourse. Thus the whole realm of religious, cultural and social affairs of the minorities will not be subject to interference by the Jewish majority. There will be, to quote the Resolution, no "domination or subjection."

34. In addition, there is to be comprehensive development of local self-government. This will apply not only to the towns but also to the countryside. Village committees, rural district councils and regional



councils, say for Beduin areas, will enable the inhabitants of the rural areas to administer their local affairs in accordance with their own traditions and way of life.

35. It will be seen that such a constitutional structure involves a comprehensive system of devolution, communal and regional. It is designed to make the several communities masters in their own house in respect of matters which affect them most closely and which, especially in the East, represent the most jealously guarded concerns of the individual and the community. Nor will a Jewish State be satisfied to maintain a merely formal equality between its citizens. The resolution quoted above pledges it to make a comprehensive effort to raise and equalise the standards of living of all inhabitants of Palestine. Jewish settlement and development have, under the Mandatory regime, contributed in no small measure to raising Arab standards of living. Much more would be achieved if the effort were undertaken by a Jewish authority armed with governmental powers.

36. What guarantees will the Jewish State give for the observance and maintenance of these rights? They will be embodied in the organic law of the State and will not be subject to constitutional amendment by majority vote. In actual fact, however, Arab rights in a Jewish Commonwealth will be guaranteed by physical realities of much greater consequence than any constitutional safeguards can ever be. The Jewish State will at all times be surrounded by Arab States much superior in numerical strength. It will depend for the maintenance of its security and economic interests on good neighbourly relations with these states. Mere self-interest, if nothing else, will compel the Jewish State studiously to safeguard the rights and concerns of its Arab citizens. On the economic side, it will again be a matter of self-interest for the Jews to raise the Arabs up to their own level. This will expand the market for Jewish industrial produce, discourage unfair competition in the labour market and make the Arabs themselves interested in preventing the influx of cheaper labour from neighbouring lands. It is evident that the situation in all these respects will be fundamentally different from that of a Jewish minority in a possible Palestine Arab State.

37. The Jewish State would devote special attention to safeguarding the rights of Christianity and Islam in Palestine. It would guar-



antee the complete inviolability of the Christian and Moslem Holy Places and ensure free access to them for all concerned. It would propose the appointment of a special United Nations Commission to supervise all holy shrines. It has always been the desire of the Jews that the actual administration of the Holy Places should be in the hands of those to whom they are sacred. Religious and ecclesiastical establishments of all faiths would be free to administer their property and conduct their activities without hindrance.

### **G. Partition.**

38. In advocating the termination of the Palestine Mandate, the Royal Commission in 1937 proposed that a Jewish State be set up in part of Palestine. It had found, as a result of its investigations, that the meaning of the Balfour Declaration had been the promise of the eventual establishment of a Jewish State, and it held that only by the establishment of a Jewish State could the Jewish National Home be securely established and relieved from any possibility of subjection in the future to Arab rule. It considered, however, that having regard to Arab national aspirations, a Jewish State could not be set up in the whole of Palestine, and it therefore advocated a solution by partition.

39. At the time, the British Government accepted this recommendation in principle. In a statement issued simultaneously with the publication of the Royal Commission's report, it declared:

"In supporting a solution of the Palestine problem by means of partition, His Majesty's Government are much impressed by the advantages which it offers both to the Arabs and the Jews. The Arabs would obtain their national independence, and thus be enabled to cooperate on an equal footing with the Arabs of neighbouring countries in the cause of Arab unity and progress. They would be finally delivered from all fear of Jewish domination, and from the anxiety which they have expressed lest their Holy Places should ever come under Jewish control. The Arab State would receive financial assistance on a substantial scale both from His Majesty's Government and from the Jewish State. On the other hand, partition would secure the establishment of the Jewish National Home and relieve it from any possibility of its being subjected in the future to Arab



rule. It would convert the Jewish National Home into a Jewish State with full control over immigration. Its nationals would acquire a status similar to that enjoyed by the nationals of other countries. The Jews would at last cease to live a "minority life," and the primary objective of Zionism would thus be attained. Under the proposed Treaties the rights of minorities in both States would be strictly guaranteed. Above all, fear and suspicion would be replaced by a sense of confidence and security, and both peoples would obtain, in the words of the Commission, "the inestimable boon of peace."

40. The Report of the Royal Commission and the British Government's Statement of Policy were considered by the Twentieth Zionist Congress held in the autumn of 1937. An acute controversy arose on the question of partition. Eventually, the following resolution was passed by a majority:

"1. The Congress declares that the partition scheme proposed by the Royal Commission is unacceptable.

"2. The Congress empowers the Executive to enter into negotiations with a view to ascertaining the exact nature of the British Government's proposal for the establishment of a Jewish State in Palestine;

"3. In these negotiations the Executive will have no power to commit either itself or the Zionist Organisation. If as a result of the negotiations a definite scheme should emerge for the establishment of a Jewish State, such scheme will be brought before a Congress to be elected anew, for consideration and decision."

It will thus be seen that the Congress did not, in principle, reject the idea of a Jewish State in a part of Palestine. Its final decision on the matter was to depend on the exact terms, territorial and otherwise, of the concrete partition scheme, if any, to be proposed by the British Government.

41. The British Government subsequently retreated from the Royal Commission's scheme and abandoned the whole idea of partition. It first appointed a Commission to work out a partition scheme in



detail, but the terms of reference of the Commission were so drawn up as in effect to rule out any practicable partition. The recommendations of the Partition (Woodhead) Commission, submitted in October, 1938, reduced the proposed Jewish State to absurdly small proportions and were generally inconclusive. The Government then declared a solution on these lines to be unworkable and proceeded to convene a Conference on Palestine, the outcome of which was the White Paper of May, 1939.

42. The idea of a solution on partition lines has again been mooted in recent years. As previously recorded, at a meeting of the Executive of the Jewish Agency held in Paris in July, 1946, a Resolution was passed to the effect that it was ready "to discuss a scheme for the establishment of a viable Jewish State in an adequate area of Palestine." Subsequently, in rejecting the Bevin Scheme, the Executive reiterated its readiness to consider such a compromise, on the understanding that the Jewish State so established "should have complete control over immigration and development and be represented in the United Nations."

43. In the light of the analysis presented in these pages, a solution on partition lines, if it is to be at all acceptable, can hardly be regarded as other than a *pis aller*. The original area of the Balfour Declaration has already been partitioned by the excision of Trans-Jordan, and a further curtailment of the area of the Jewish National Home must involve great sacrifice. 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.





*Copies of this pamphlet have been filed with the U. S. Department of Justice, Washington, D. C., where the registration of the American office of the Jewish Agency for Palestine as an agent of the Jewish Agency for Palestine, Jerusalem, is available for public inspection. The fact of registration should not be considered as approval by the United States Government of the contents of this pamphlet.*



DANN, ATLAS, TILCHIN & BLOOM  
ATTORNEYS AT LAW  
2415 BARLUM TOWER  
DETROIT 26, MICHIGAN

September 19, 1947

EDL A. DANN  
MILTON R. ATLAS  
SEYMOUR TILCHIN  
LESLIE D. BLOOM

CADILLAC 1003

In re Text of UNSCOP'S Majority Report

Rabbi Abba Hillel Silver  
Cleveland, Ohio

Dear Rabbi Silver:

I desire to bring to your attention a confused impression of UNSCOP's majority report which, if permitted to continue, will be a catastrophe.

While it may be necessary, at this time, to accept the partition recommendation of UNSCOP'S majority as a basis for negotiation, we must not under any circumstances accept or consent to the many fallacies in the full text of that report.

Most people are familiar with the summary of the majority report but are not familiar with the full text of the majority report, which contains many fallacies they will be consenting to if they urge its unqualified adoption.

Many "Zionists" have been urging the adoption of UNSCOP'S majority report, without reservations. They have either not read or studied the full text of this report.

It is probably because of their lack of statesmanship or bargaining sense, that Newsweek of Sept. 22 says on page 17 "The UN Palestine committee's majority report will have to be trimmed down considerably before the U.S. delegation votes for it."

No attempt is made in this letter to answer or discuss the many fallacies in the full text. I merely desire to point out a few of them to you; and for those who question their inaccuracy, the correct answers will be readily found in such books as: "The Zionist Movement" by Israel Cohen; "Justice for My People" by Frankenstein; "Palestine," by the Esco Foundation; or any other competent authority more readily available to you.

Did you know, that in the full text of their report, UNSCOP accuses the Zionists of having made concessions, which <sup>they say</sup> permitted them to re-interpret the Palestine Mandate? They said Churchill and the British Government modified the Mandate and the area of Palestine without Zionist objection. (II 84, II 139, II 144 etc.)

They found that the Mandate was not "now possible of execution" (V Rec. 1d).



UNSCOP says Palestine consists of 10,000 square miles (II 1) and to prevent any future claim upon the Trans-Jordan area they said that, "Palestine within its present borders" (VI-A1) should be constituted into an independent Arab State, independent Jewish State and the City of Jerusalem. PROVIDED, Britain prepared them for such status during the next two years. (VI B1 - Rec. IV etc).

They failed to correctly interpret the "Memorandum" in reference to the Trans-Jordan area or Article 25 of the Palestine Mandate (II 70) and failed to mention the 1924 Anglo-American Convention. They were strangely silent about the British misconduct in Palestine which they were appointed to investigate. (I 18 Sub 2).

They said the Weizmann-Feisal agreement was not binding on the Arabs of Palestine because its reservation in reference to other Arab States was not fulfilled by the British. (II 174).

They cite statistics that the Arabs produce 75% of Palestine's agricultural products. (II 33). They admitted, however, that it was the efforts of Jews that made "the desert blossom as the rose." (II 31, II 151).

They stressed "Self-determination," "well-being of the peoples," and "covenant 22" (II 150) for their right to establish a "viable" Arab State in the area of Palestine west of the Jordan. (VI Part II 2). This viable Arab State to be established at the expense of the proposed Jewish State.

They said that the "Jewish State" should help support the Arab State because "a partitioned Arab State would have some difficulty in raising sufficient revenue to keep up its present standards of public services." (VI Part I 12, 13, etc.).

They were concerned with the "creation of two viable states (which they) considered essential to a partition scheme." (VI Part II 2).

They recommended that land restrictions be removed only in the proposed Jewish State (VI Part I B c (2) and guaranteed only "personal" property (V Rec. No. 7) rights of the Jews in the Arab State.

They visited Trans-Jordan (I 62) and referred to this vast area of Palestine east of the Jordan as another Arab State. (I 40). But didn't have time to visit the Acre Prison or Cyprus (I 45, 46, 47, 48).

They admitted that "the mandatory power has attempted ... to provide some satisfaction of Arab political desires." (II 101).

They said that Palestine would not solve the Jewish problem and that the DP's were not a Palestine problem. They suggested, however, that 150,000 immigrants be permitted to enter the Jewish State during the next two years, 30,000 of these on humanitarian grounds, (VI A 1 c), whatever that means.

Jerusalem, with over 100,000 Jews, is not included in the Jewish State, but they gave Jews "the Negev south of Latitude 31, though included in the Jewish State, is desert land of little agricultural value..." (VI Part II 5). This removes the greater portion from the viable Jewish State as being uninhabitable. But UNSCOP'S Problem was not of Jewish concern.



They said that the Jewish State must "respect and fulfill all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory power.. including the rights to pensions, compensations or gratuities, to be negotiated where necessary with the government of the United Kingdom." Also "commercial concessions. . ." (VI Part I Chap.III 3).

They said that the "electoral provisions shall be prescribed" by Britain. That voting shall be on the basis of "proportional representation (VI Part I B 2, 4 a, etc.). They recommended that Britain continue as the trustee of Palestine during the next two years (VI Part I A), and thereafter until such time as she enables the Jewish State and the Arab State to both reach at the same time a status of statehood entitling them to admission in the U.S.

They disregarded the claims of the pure Herzlian Zionists (IV-8), but attempted to find a happy medium between the partition scheme suggested by the Jewish Agency (IV-9) (V-2), and the Arab claims.

Contrary to the findings and opinions of every impartial authority on international law, they found that Britain had "dual obligations" (II 101) of "equal weight" (II 79) to both the Jews and Arabs of Palestine.

They refer to, (without exception) each and every Arab message, letter, rumor or Arab fantasy (II 95, - II 159) that the British presented in 1939 to the League, without success. (These conundrums were injected by the British at that time, in an attempt to explain their illegal 1939 White Paper to the League of Nations).

UNSCOP admits that it was questionable whether these Arab claims ever applied to the Arabs of Palestine. (II 167-8-9).

(These Arab "promises, claims and rights" are fully set forth and described in Chapter 4, Volume I of a study that was made of these shiboleths by "The Esco Foundation for Palestine.")

The British repeated all of them in the memorandum they submitted to UNSCOP. This time they succeeded (VI 1, 2) where they should have again been condemned for attempting to insult the intelligence of a group of statesmen appointed by the United Nations of the world.

They mentioned Churchill's interpretation of the word "in" (II 143) and his "economic absorptive capacity" for Palestine (II 84).

In calling attention to the long history of the Arabs in Palestine (II 157), they took little account of the "Wailing Wall" or the ancestry of the birthplace of Christ.

UNSCOP refers to the King Crane Report (II 148) which Woodrow Wilson rejected when he found it to be false.

Newsweek of Aug. 11, 1947, page 26, refers to this avowed "anti-Semite" as follows:

"In 1926, help came to Yemen in the person of Charles R. Crane, an American... retired manufacturer of (toilets) piping, valves, and pumps, wanted to spread wealth and happiness in the land of Sheba. Ever since his visit to Egypt as a young man, Crane had been interested in the Arabic peoples . . . .



"Soon after his arrival, Crane was installed in the royal palace as adviser to the Imam Yahya, a fierce desert warrior who had united Yemen into his Kingdom by taking a child of each tribe as hostage. Crane's project: a survey of Yemen's potentialities. He brought in American experts to plan highways, search for minerals, establish experimental farms, and build--at his own expense-- the first steel truss bridge in all Arabia. To water Yemen's deserts, Crane imported, also at his own expense, \$150,000 in irrigation machinery from his plant in the United States. His own engineer, Karl Twitchell, supervised the installation. In 1939, Crane died."

They said it was beyond their jurisdiction and "the terms of reference" to investigate concentration camps or listen to witnesses of British atrocities in Palestine (I 45, etc.). But they listened to Mrs. Antonius and the British Government's witnesses at their convenience, at private hearings. (I 35, 60).

Britain is permitted to remain in Palestine for at least two years (VI B1-Rec. IV etc.).

If Britain has been a proper trustee, she should be permitted to remain indefinitely at the will of the Jewish People. If she is an improper trustee and guilty of all the accusations made against her, then she should be compelled to leave Palestine immediately.

Some may think it technically unimportant to correct these false statements. If that be so, why did UNSCOP consider them of such importance as to include them in a historical, international document?

The confusion of some of our leaders may be due to the three operations UNSCOP used to deliver its report.

Operation No. 1-- On September 1, 1947, an "Authorized Summary" was released and published in the New York Times.

Operation No. 2-- On September 8, 1947, the full text of the report was released and published on 7 full pages of the New York Times.

Operation No. 3-- On September 16, 1947, the 160-page booklet of "Appendices and Annexes" (Reservations and Observations) was released.

The minority report (which must be unconditionally rejected in its entirety) stated that Palestine should be created into a Federal State with a guaranteed Arab majority in its population and administration.

The Summary (Operation 1) which is the brief statement most Zionists have been deceived into relying upon, stated that the majority (seven) favored "partition with economic union," establishment of an Arab and Jewish State, admission of 150,000 Jews into the proposed Jewish State during a two-year transition period, Jerusalem to become an enclave administered by the UN, and administration of the Mandate terminated "at the earliest practicable date."

Unfortunately, those who urge the adoption of the summary are unfamiliar



and 3,  
with Operation No. 2, or the full text of the report, that contains fallacies that no self-respecting Jew will bow to.

A "Shamos" is not expected to examine, but to give thanks for whatever is stealthily put into his hand, for saying the "Kadish" for one's beloved one. UNSCOP'S report will ~~not~~ become our "Kadish" if we ~~do not~~ treat it as a gift horse.

Part Zionists with vested interests who vision themselves ensconced in embassies, as they suck British tea through lumps of sugar with a resounding smack, are falling for these booby traps.

Our hunger is understandable, but those who realize that the unconditional approval of the majority report liquidates and frustrates the fundamental purposes of Zionism; would leave Britain in continued control, must prevent the British Lion from making jackasses out of Zionists.

"Part Zionists" may be able to close their eyes, hold their noses, and ask for the unqualified acceptance of the majority report. But I trust you will not imitate their premature "jumping Kodesh" and will help expose the "pig in the poke" which some unkosher Zionists are asking us to become reconciled to.

Britain will have the assistance of John Foster Dulles, our UN delegate, who will lead the U.S. delegation on the Palestine issue. His law firm represents British and Arab oil interests in America. This can be readily confirmed by communication with the research department of the Encyclopedia Britannica.

Outside of the well intentioned Rabbis-- what lawyers and statesmen have we employed to present our case before the U.S.?

Formal objections must be filed immediately by the Jewish Agency against all the misrepresentations, false "findings of fact and law," in the majority report. This must be done in order to correct the record which future generations may be compelled to rely upon. We, must not be Guilty of UNSCOP'S accusations of Zionists of the past.

I am calling this to your attention because we must immediately take action to prevent public opinion from becoming so confused and uninformed as to permit the "trimming down" of the majority recommendations that Newsweek suggests.

With warm personal regards, I remain

Sincerely yours,

*Sol A. Dann*  
SOL A. DANN

SAD:ep



Galion, Ohio, Sept. 29, 1947

Rabbi Abba Hillel Silver,  
c/o The Temple,  
Cleveland, Ohio.

Dear Rabbi,

As a member of your temple and also of the Cleveland branch of the Zionist Organization of America, I wish to call your attention to the inclosed article which appeared in last Sunday's New York Times, the contents of which you perhaps, are already aware. Obviously, at this crucial moment, when the hopes and aspirations of every ardent Jew and Zionist for the realization of a Jewish Homeland is in balance and under consideration by the United Nations, these damaging vituperations of Dr. Magnes should be controverted in a subsequent Sunday issue of the New York Times.

It was a shock to me as well as distressing to discover that we have to contend with a traitor to our cause, in our own folds, one who is evidently endeavoring to undermine and destroy the years of our toils and efforts towards the rebuilding of a Jewish Homeland that will again place us on the rostrum of nations, a homeland where the wandering and persecuted and unwanted Jew can find a haven and a refuge from the perpetual onslaughts of his many enemies and detractors.

So this 'Patriotic' Jew, Judah L. Magnes, proposes to his theory of national assimilation of the Jew with the Arab for a unified Palestine, an idea which is abhorrent and impracticable and unacceptable to the Jew who has been longing and praying <sup>for centuries</sup> for a National Jewish homeland in Palestine, the cradle of his former glory.

Dear Rabbi, knowing that you are entirely in accord with the Zionist platform for the restoration of a National Jewish home, and knowing that you are well qualified to take Dr. Magnes to task for his uncalled for detrimental ideas to our cause, may I ask you to endeavor to refute his statements in a subsequent issue of the New York Times, exposing his assumptions as fallacious and impracticable and undesirable.

Trusting that you will do something to controvert the deterrent effect to our cause, of the inclosed article, I am,

Sincerely yours,  
*Morris Morgan*  
Morris Morgan,

142 E. Church St.,  
Galion, Ohio.



# Letters to The T

## Report on Palestine

### UNSCOP Partition Plan Is Opposed, Bi-Nationalism Urged

*The writer of the following letter has been president of Hebrew University, Jerusalem, since 1935. He was leader of the Society for the Advancement of Judaism from 1912 to 1920; chairman of the Jewish Defense Association, and secretary of the Federation of American Zionists.*

TO THE EDITOR OF THE NEW YORK TIMES:

Only yesterday I saw the full text of the report of the United Nations Palestine Committee, as printed in THE NEW YORK TIMES of Sept. 9.

I hope that what I am writing now may not be too late. According to statements in the Palestine press, practically all American newspapers, including THE NEW YORK TIMES, are for the Majority report, which proposes the partition of Palestine. Mr. Marshall is also reported as having indicated the favorable attitude of the United States toward the Majority report for partition.

Nevertheless I feel it to be my duty to warn against adopting any such "solution." Partition will not stop the terrorist activities of Jewish groups. To the tension and warfare which now exist, partition will add the Arab front, which hitherto has been quiescent. Partition will arouse the resentment of large numbers of Jews, of almost all the Arabs of Palestine, and of the Arab world. The Majority report itself says that force "on an extensive scale may be necessary for some time. . . . Imposing a solution on both Jews and Arabs would be a basic condition of any recommended proposal."

#### Fostering Cooperation

There is no other way of peace here and in the Middle East except through a clear-cut policy which fosters Jewish-Arab cooperation. This is easier to "impose." Here we are together, Jews and Arabs, and the attempt to hold us apart through artificial boundaries will indeed require extensive force.

There is much more good-will and readiness to cooperate between Jews and Arabs than the Majority report seems to be aware of. Even the intransigent Jewish and Arab political leaderships have not been able to destroy this. The effort to arrive at cooperation and understanding in a unitary Palestine requires less force and is much more practicable and workable and less mechanical than drawing these elaborate borders and thus precipitating the irrepressible conflict, which today does not yet exist.

The UNSCOP majority admit that partitioning the country is not entirely to their taste. They seek to mitigate the evil by the formula: political partition—economic union. They call this "partial partition."

Economic union is indispensable. But so is political union. The one without the other is almost meaningless. The board which is to run the economic union is, for example, charged with establishing the tariff policy of the two hostile states. Who knows better than the citizens of the United States what basic political conflicts are at the bottom of every tariff policy? The Arab state will be primarily agricultural, the Jewish state primarily industrial—in that fact alone there are the germs of political conflict.

#### Arab Deficit

The UNSCOP majority admit that the Arab state is bankrupt from the very start. The Arab state begins, in accordance with the majority's figures, with a deficit of over \$9,000,000 in a total expenditure of over \$18,000,000. The Jewish state, therefore, will have to help cover this Arab deficit.

The UNSCOP majority threaten that if one state—presumably the Arabs—refuses to sign the treaty of Economic Union, the General Assembly of U. N. will take appropriate action. What action?

Yet the majority are right when they declare that these common economic interests cannot be partitioned since they "are in fact inextricably bound together." Why then partition the country territorially, and thus lead to a loosening of these common economic interests? Indeed, the majority declare that the economic union, although it may have its political implications, "is dictated by the necessities of the overriding interest of unity."

But this overriding interest of unity applies not only to the economic life and development of Palestine, but also to its Holy Places and to Jerusalem. Why not then to its social and political life and development as well? Without the unity of the country you are on the brink of chaos. With unity, you have a starting point toward order and development.

What a Jewish state—without Jerusalem! Jerusalem, the heart and soul of our tradition. Nominally a Jewish state—without Judaism. A Jewish state without Judea, without the greater length and the outlet of the Jordan, without western Galilee, where even today you can see the ruins of the beautiful synagogues built in Roman and Byzantine times.

#### Compassionate Immigration

Both majority and minority reports favor increased Jewish immigration. That is the great step in advance. Whatever be the fate of UNSCOP's proposals, the Jewish refugees must not be left in the lurch. There should under all circumstances be a large compassionate immigration to Palestine and elsewhere.

But for anyone genuinely concerned with Jewish immigration, partitioning the country and forbidding Jewish immigration, settlement and land purchase in the area of the Arab state would deprive the Jews of those much larger immigration possibilities they require. In this regard, the minority proposals, despite their opposition to partition in principle, are as truly restrictive and as thoroughly in the na-

ture of partition as those of the majority.

But even a Jewish majority in the Jewish state does not dispose of the "Arab problem" there. Doubtless one of the first things we shall be hearing of is the "Arab underground" there; then of repressive measures against it; then of the answer from the Arab side of the border. Thus the war of the irredentas will have begun even before the independence of the two states has been proclaimed.

It is largely the Jewish terror groups which have made the people of Britain weary of their task in Palestine. Having secured the partition proposals through terror, they are now prepared to secure the rest of the country for the Jews in the same way. If the Jewish state opposes them, that creates an additional front.

The majority are aware of the weakness of their proposals, and they finally admit that, when all is said and done, the real advantage of their "partial partition" is that it "satisfies the aspirations of both groups for independence."

#### Partial Only

But even that, by their own showing, is not correct. In another section of their report they say that their partition proposals only meet "in part the claims and national aspirations of both parties." The wide powers of the Joint Economic Board and of the Governor of the City of Jerusalem are clearly in derogation of the national aspirations and sovereignty of these so-called independent states.

Palestine is not just a Jewish land or just an Arab land. It is a common Jewish-Arab land, an international, inter-religious land of Jew, Christian and Moslem. There can be no such thing as full national independence for the Jews and full national independence for the Arabs of Palestine, partition or no partition. Why then partition the country?

The UNSCOP majority keep emphasizing the "irreconcilable" claims and differences of the Jews and Arabs. Yet they themselves say "there are no fundamental incompatibilities among them." Indeed the final passages of their commentary on partition are a paean to the whole idea of Arab-Jewish cooperation, of bi-national understanding and outlook.

That brings me to the minority report. But I have no time or space in this statement to analyze it as it deserves. This report seems to me to have many weaknesses, particularly in its practical proposals, which do not always accord with its principles.

But the Minority report has the outstanding virtue of believing that Jews and Arabs can cooperate and of proposing that they build up a common citizenship in their common country.

#### Changes Suggested

For this reason I would urge that the Minority report be taken as the basis of discussion, and that changes be made in it somewhat along the following lines:

1. The boundaries between the Jewish state and the Arab state should be abolished. These boundaries constitute a form of partition, despite the federal nature of the state as a whole.

2. Instead of these almost sovereign boundaries, the unitary Palestine should be divided into counties, not necessarily contiguous, for purposes of local administration and no more.

3. The two peoples, Arabs and Jews, should be declared to have political parity, irrespective of who is the majority or the minority. This seems to be implied through the provision in the Minority report of an upper legislative chamber constituted "on the basis of equal representation of the Arab and Jewish citizens of Palestine"; and by the provision that "legislation shall be enacted when approved by majority votes in both chambers of the federal legislative body."

4. That the Federal Court of Appeals on constitutional matters be composed of an equal number of Jews and Arabs and not of an Arab majority. This court is of decisive importance, as a reading of its proposed functions will show. If necessary, the chairman might be an appointee of the United Nations in some such way as is proposed for the International Commission on Absorptive Capacity.

5. That Jewish immigration be permitted in all parts of Palestine up to parity with the Arabs. This seems to be implied when the Minority report excludes the possibility that the Jews "by means of free mass immigration would become the majority population in Palestine."

This is the moment when the less intransigent among the Jewish and Arab leaders should get nearer together, in view of the common danger of partition.

Do not dismember the country. Do not estrange Jews and Arabs from one another. Lay down a generous bi-national policy and make Jewish-Arab cooperation the chief objective of this policy. Give the two peoples the chance they have never had of self-government together, and through systematic work day by day, year by year, their response will be increasingly joyous and constructive.

JUDAH L. MAGNES.

Jerusalem, Sept. 18, 1947.

#### EVENING BIRDS

Frost came in last night  
With the stars like a twittering bird,  
And now in the dawning light  
The flutter of wings is heard.  
The moss is green on the trees  
But the leaves are orange and gold  
And there is no wind to please  
With the flower pods blown and old.  
Now as the nights grow chill,  
With birds and the evening star,  
My heart like a restless rill  
Would go wandering far, afar.

FLORENCE ALBERTA WALES.



THE POLICY OF THE MANDATORY POWER IN PALESTINE SINCE  
THE ADOPTION OF THE GENERAL ASSEMBLY'S RESOLUTION,  
WITH PARTICULAR REFERENCE TO SECURITY.

MEMORANDUM SUBMITTED BY  
THE JEWISH AGENCY FOR PALESTINE  
TO THE  
UNITED NATIONS PALESTINE COMMISSION

FEBRUARY 21, 1948



## INTRODUCTION

1. The security situation in Palestine, where the United Kingdom Government exercises undivided responsibility for the preservation of law and order, has been the subject of a special Report by the United Nations Palestine Commission to the Security Council. In that Report the Commission finds that the "security situation continues to be aggravated"; that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly, and are engaged in a deliberate effort to alter by force the settlement envisaged therein" and that special measures will therefore be required to maintain security during the implementation of the General Assembly's Resolution.

2. The underlying causes and purposes of the present violence in Palestine are not matters of mere academic interest and the Jewish Agency for Palestine feels bound to contribute what it can to an accurate portrayal of the situation which the U.N. Palestine Commission has described in such grave terms. This duty is the more compelling in view of the fact that the United Kingdom Government has publicly given an account of that situation which the Jewish Agency regards as untenable. Thus the United Kingdom charges Jews and Arabs with equal guilt for aggression; exonerates itself from any share of responsibility for the continuance of disorder; and abstains from any indication that Jewish defence activities in Palestine have any relation to the maintenance of United Nations authority and the principles of the Charter.

3. On January 21, 1948, Sir Alexander Cadogan, representing the United Kingdom, gave the United Nations Palestine Commission an account of the circumstances in which conflict and disturbances had arisen in Palestine. "The Jewish story," he said, "that the Arabs are the attackers and the Jews the attacked is not tenable. The Arabs are determined to show that they will not submit tamely to the United Nations Plan of Partition; while the Jews are trying to consolidate the advantages gained at the General Assembly by a succession of drastic operations designed to intimidate and cure the Arabs of any desire for further conflict. Elements on each side are thus engaged in attacking or in making reprisals indistinguishable from attacks....The Government of Palestine fears that strife in Palestine will be greatly intensified when the Mandate is terminated, and that the international status of the United Nations Commission will mean little or nothing to the Arabs in Palestine to whom the killing of Jews now transcends all other considerations."



4. This version of Jews and Arabs engaged in indiscriminate violence with the Mandatory Power standing neutral between them was supported by Mr. Creech-Jones at a conference with the press on February 18, 1948.

5. The United Kingdom view may thus be summarized as follows: It is not a case of Arab attack upon Jews and Jewish defence against such attack. There has been a simultaneous eruption of violence from both sides, both of which are engaged in military operations of identical character, in pursuit of political objectives on whose respective merits the United Kingdom has no views. The United Kingdom Government appears unaware which side began the violence; but since it categorically dismisses the view that "the Arabs are the attackers," the logical conclusion would appear to be that the Jews may have taken the initiative. In the ensuing disorders the Mandatory Power fulfilled no role except the impartial maintenance of law and order and the suppression of violence.

#### The Arab Role

6. This presentation completely distorts the picture. In particular, the grave charge of aggression levelled against the Jews is utterly unwarranted. There is no doubt whatever where initial responsibility for this violent conflict lies. It is entirely due, in the words of the U.N. Palestine Commission, to the fact that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein."

7. The Jewish Agency contends that these "powerful interests inside Palestine" are principally the Arab Higher Committee, while the "powerful interests outside Palestine" are the Arab League and the Governments represented therein. The Arab Higher Committee, the Arab League and the Governments represented therein have all proclaimed the fact that they are engaged in an attempt to defeat the U.N. Resolution by violence; and there is every reason to accept their professions on this point with complete confidence.

#### The Jewish Role

8. Violence in Palestine began with Arab attacks on Jewish life and property; and all military activities of the Palestine Jewish community have had no other object but to defend the Jewish population against those attacks or to take measures against their threatened continuance, in default of effective action by the Mandatory authorities.



### The British Role

9. At the same time the attitude of neutrality which the Mandatory Power had assumed between the implementation of the United Nations Resolution and its violation has involved neutrality between defence and attack; and the practical effect of such an attitude of neutrality has been to assist the Arab attack and impede the Jewish defence.

10. In a separate memorandum submitted to the U.N. Palestine Commission on February 2, 1948, the Jewish Agency has discussed the responsibility of the Arab Governments and the Palestine Arab Higher Committee for aggression in Palestine with a view to the forcible reversal of a United Nations Resolution in violation of the Charter and in a manner inconsistent with the Purposes and Principles of the United Nations. Since the submission of that memorandum further evidence has accumulated to prove continued aggressive initiative on the part of these Arab bodies in bringing into Palestine armed forces from outside and organizing major attacks on Jewish settlements. In the present memorandum it is proposed to discuss the two other main features of the security situation — the effects of British neutrality, and the operations of the Jewish defence forces in the face of that neutrality and of Arab aggression.

### The Effects of Neutrality

11. The anomalous effects of neutrality in an issue between aggression and defence are revealed in Sir Alexander Cadogan's statement itself. That statement rests on the false assumption that Jews resorted to military measures after the Assembly's Resolution not in order to defend themselves but "to consolidate the advantages" gained by them under the partition scheme. From that assumption the statement proceeds to reveal that in the mind of the United Kingdom Government, military operations in support or in defiance of a United Nations policy are in the same category and even become "indistinguishable." In referring to Arab attacks, the invidious word "tamely" seems to indicate that in the British view "submission" to a United Nations judgment is not an act to be expected of spirited or courageous men. Both Arabs and Jews are represented as equally wicked in that both parties fire at each other, throw grenades and recruit men for further violence. By this disingenuous method any "neutral" could have proved that the Nazis and the Allies were equally "aggressive" in the recent war, since in the course of fighting both sought



equally to take the military initiative and each bombed the other's cities. Any such analysis is deceptive, since it ignores how the violent sequence began, with whom the aggressive initiative rests at each stage, and who has a political purpose and motive in maintaining the conflict.

12. The Jews took no steps whatever to "consolidate their advantage" after the Assembly's Resolution. Their celebration of imminent independence did not include the festive use of firearms. No Jewish military action was taken or contemplated until Arab attacks developed against road convoys, Jewish quarters of mixed urban areas and isolated Jewish villages. If those Arab attacks were now to stop, peace would immediately be re-established in Palestine. The Arabs themselves, having no interest to facilitate the British posture of neutrality, openly avow their own responsibility for aggression and their determination to maintain it. Jewish military activities, however determined in execution, are part of a basically defensive design.

13. The motives which have prompted the Mandatory Power to attempt an attitude of neutrality may or may not be relevant. Its practical effects are clear. The peace and security of Palestine are adversely affected in the present and are still more seriously threatened in the future as a result of the British Government's failure to maintain law and order, and its refusal to allow a suitable preparation of adequate security forces to function when the Mandate terminates. Those who aspire to alter the Assembly's Resolution by force are powerfully encouraged by the atmosphere of tolerance and relative impunity in which they have been able to operate. They are free to send forces into Palestinian territory; to assemble them in large concentrations in central parts of the country where they assume virtual administrative control; to establish a country-wide military organization for launching a concerted attack against the Jews; to set up headquarters in the Old City of Jerusalem where the commanders and instigators of Arab aggression pass to and fro as honorable belligerents under the eyes of British military and police authorities — in brief, to make full preparations for defeating the United Nations decision. At the same time a foreign army is maintained on Palestinian soil, called the Arab Legion, whose members indulge in violence against the Jewish population. The announcement by Arab countries of their intention to invade Palestine and supply arms in support of Arab aggression is not considered by the British Government as a



sufficient ground for discontinuing its deliveries of arms to those countries. On the other hand, the Jewish population of Palestine is refused permission openly and legally to organize its own defence. Its defensive efforts are crippled by searches, while its resources of arms are constantly depleted by confiscation. Jewish citizens defending their community are detained and imprisoned. On the highways in Palestine, which cannot be traversed without danger to life, the authorities simultaneously refuse to provide armed escort and decline to allow Jewish travellers to use adequate defensive equipment. Facilities requested by the UN Commission itself, to enable it to prepare in time lawful agencies of security to operate after the Mandate ends, are bluntly refused.

14. All these policies and practices are directly costing human lives at this very moment; but their deeper significance lies in the conditions which they determine for the immediate future. It seems inevitable, unless preventive action is taken internationally, that at an early date there will be a full-scale Arab attack upon the United Nations decision countered by a wholehearted Jewish effort to defend that decision. The attack will be stronger and the defence weaker as a direct consequence of the Mandatory Government's policy and administrative practice.

#### Role of the Mandatory Power in the Maintenance of Law and Order

15. In the House of Commons on December 11, 1947, Mr. Creech-Jones said:

"Between now and the termination of the Mandate the British Government in Palestine will remain responsible for law and order."

It is commonly recognized that the prospect of suppressing riots and disorders depends very largely on the steps taken at their initial outbreak. A swift assertion of lawful authority can nip the evil in the bud and prevent violent movements from gathering momentum. If the first violent acts can be carried out with impunity and the targets for those attacks remain undefended, a prolongation of disorder becomes almost inevitable.

16. The first outbreaks of Arab violence took two forms. There were numerous attacks on Jewish traffic on the Jaffa-Jerusalem highway; and an Arab mob attacked a Jewish quarter of Jerusalem known as the Commercial Centre. In the ensuing weeks the Arab Higher Committee extended its efforts to maintain constant disorder both on the roads and in mixed urban areas, and lack of any strong counter-measures was to have fatal effects.



17. On February 1, 1948, the United Kingdom delegation published the following figures of casualties which had occurred in Palestine since December 1, 1947:

British	46 killed	135 wounded
Arabs	427 "	1035 "
Jews	381 "	725 "
Others	15 "	14 "

According to information at the disposal of the Jewish Agency the figures of Jewish fatalities are fairly accurate as practically all Jewish deaths are known and recorded. The actual number of Arab dead is considerably higher than that indicated since the Arabs are concerned for reasons of morale and political effect to conceal the real extent of their losses. The total loss of life is thus much higher than that indicated above.

#### Security on the Roads

18. On November 30, seven Jews were killed in an attack near Ramleh when travelling from Tel-Aviv to Jerusalem. During the following few days most non-Arab vehicles passing along this road were subject to attacks near Ramleh by sniping and ambush. On December 3, a senior Government official informed the Jewish Agency that police escort could not be provided for inter-urban convoys since "that might be interpreted as British implementation of partition." The suggestion of the Jewish Agency that a day curfew be imposed on Ramleh was rejected; and no attention was paid to the precedents for the imposition of several days' curfew on urban areas such as Tel-Aviv, ten times the size of Ramleh, in reaction to violence committed by dissident groups and condemned by the whole community.

19. In pursuance of this policy the Government continued for several days not only to withhold protection from travellers on the roads but to penalise those who took measures in their own defence. On December 4, a car taking Air France passengers from Tel-Aviv to Lydda was attacked near the Arab village of Yehudia. Vehicles carrying Norwegian Air Line and United States Trans-World airline passengers were also fired upon. On December 13, a British Overseas Airways Corporation car was attacked near Lydda Airport; four of the corporation's employees were brutally murdered by Arabs. On December 25, the Government refused a request from the BOAC and TWA air companies for use of the Royal Air Force field at Attaroth near Jerusalem as a station for a shuttle service



to avoid transporting air passengers by car through an area infested with Arab snipers.

20. On December 7, a Jewish convoy set out from Tel-Aviv to Jerusalem. One of the passengers was Joshua Globberman, a leading member of the Haganah. On the road the convoy was halted by a British patrol and searched for arms. When the convoy proceeded on its way, Globberman was shot through the head by two Arabs who attacked his car with rifle fire. He was unarmed because of his urgent desire to reach Jerusalem on an important mission without risk of arrest.

21. The Jewish Agency repeatedly applied to the Government for permission to use armored cars of the Jewish Settlement Police for escorting convoys on the roads. These requests were refused. On December 11, ten members of the Jewish Settlement Police while riding in an open tender to Kfar Etzion were killed by a band of eighty Arabs, armed with machine guns, south of Bethlehem. The following day the Palestine Post received letters from a Jewish police officer and the parents of the men killed protesting against the Government's refusal to allow armored cars for escort duty. The former letter addressed to the Inspector General of Police said: "At the funeral of the 10 Jews killed you did send two armored cars; one in front, the second to bring up the rear. Had you sent those two cars with the convoy, there would probably have been no funeral to escort."

22. Reviewing the situation on December 14, the correspondent of the New York Times in Jerusalem wrote: "It seems evident to observers that the British authorities are not exerting themselves particularly to protect road traffic."

23. On December 18, the Jewish Settlement Police were allowed to use their armored cars within village boundaries, but not to protect road traffic. The restriction was explained as due to the "intention not to provoke the Arabs."

24. On December 21, the Under-Secretary of State for the Colonies informed the House of Commons that the British Government did not consider that the arming of Jewish bus drivers would enhance the safety of road traffic "since the carrying of firearms by vehicle drivers does not constitute effective protection against small arms fire from ambush." In order to avoid encouraging any impression that armored cars might "constitute effective protection" in such circumstances, the Minister went on to emphasize that



Jewish police were not allowed to send their armored cars outside their villages. "It was impossible," he added, "for all police on duty to travel in armored vehicles nor could they carry out their duties effectively if they did." On January 22, a group of Jewish settlement policemen, travelling in an open tender because of this persistent ban on armored cars, were attacked by an armed band near Yazur. Seven of their number were killed and horribly mutilated. Yet on January 29, Colonel Nelson, of British Military headquarters, informed representatives of Jewish settlements in the Jordan valley that they must not use armored cars outside the confines of their settlements "since it arouses the Arabs." He went on to say that if the Jews continued to use armored cars, they would be stopped by force. In January, the Executive of the Vaad Leumi (the National Council of Palestine Jews), whose public duties involve frequent journeys between Tel-Aviv and Jerusalem, improvised armored protection for their car. Upon its arrival in Tel-Aviv on January 19, the car was promptly confiscated by the British police.

25. During December 1947, Arab snipers in the Sheikh Jarrah quarter of Jerusalem continually attacked Jewish ambulances and buses on the road to the Hadassah Hospital on Mount Scopus. In such attacks one nurse was killed and two doctors and two nurses were wounded. But at a press conference on January 21, 1948, the Palestine Government spokesman said: "Armed escorts are not granted to ambulances because ordinary considerations of humanity should render them immune to attacks." The Palestine Government appeared to estimate the situation differently from Sir Alexander Cadogan who on the same date of January 21 informed the UN Palestine Commission that "for the Arabs the killing of Jews transcends all other considerations." It is noteworthy that on January 23, a tommy gun and four rifles which had been seized by Police in this same Sheikh Jarrah quarter on January 7 were reported to have been returned to their Arab owners.

26. Funeral parties escorting Jewish dead to the cemetery on the Mount of Olives are constantly fired upon from Sheikh Jarrah and the Old City where Arab gangs commanded by Sheikh Hassan Bahri control entrance and exit at the Jaffa, Damascus and Herod's Gates. At a certain stage, funerals had to be discontinued and over 20 bodies piled up in the morgues. Sheikh Bahri gave an interview on January 8 to Mr. Carter Davidson, of the Associated Press who reported as follows:

"The Sheikh pointed to the Mount of Olives and asked if I



had been to the cemetery where several Jewish funeral processions had been attacked by Arabs....He said 'You can go with my men sometimes if you like. They often drop in to Jewish funerals these days'".

27. The problem of the Holy Places being left in the custody of this ghoulish individual is discussed elsewhere in this memorandum. The attitude of the Mandatory Government towards him is vividly depicted in the attached photographs\* which show the Sheikh, during a respite from his normal activities, conducting a campaign of self-publicity under the eyes of British military and police officers.

28. It is impossible in the compass of this memorandum to detail with every instance in which Jewish traffic has been attacked with fatal results. Many of the fatalities might have been avoided and further attacks discouraged if the use of armored cars had been freely authorized and if escorts had been adequately armed as they were in 1938-9. The attacks themselves would have become less frequent if villages and quarters such as Yazur and Sheikh Jarrah had been visited by preventive action. For over a fortnight after the initial outbreak there were no acts by way of counter-offensive on the part of the Jews, not even by their dissident groups. The expectation was that strong measures would be taken by the Government. It was only in the continued absence of such measures that the Haganah proceeded to operate independently to eliminate Arab strongholds and that the dissident groups resorted to deplorable indiscriminate attacks. In the course of these operations or after their completion the British forces have often proceeded against the Jews with an efficiency and determination which were potentially lacking in the face of the original violence.

#### Initial Outbreaks in Jerusalem

29. The attitude of the Mandatory Government to Arab violence was most strikingly revealed in the earliest days of the Arab outbreak in Jerusalem and in the border zone of Jaffa - Tel-Aviv. On December 2, an Arab mob surged through Princess Mary Avenue in

\*Nos. 1 & 2



Jerusalem, wrecking and gutting shops, stabbing and throwing stones. The old Jewish Commercial Centre was looted and burned. The enclosed photographs\* show these disorders being carried out under the eyes of British police officers. It is significant that the first act of British forces after the outbreak was to arrest a party of Haganah members who were engaged in dispersing looters, restoring order and restraining an enraged Jewish crowd from retaliation.

30. For three days early in December, Arab bands intermittently attacked the Yemin Moshe quarter of Jerusalem. Jews fired back. The Police searched the quarter, arresting twenty-seven Jews and not a single Arab.

#### Advice on Evacuation

31. In the latter weeks of December, Arab violence became more constant and better organized. A determined attempt was made to destroy outlying Jewish settlements in the Negev and the Hebron area and to terrorize their inhabitants into abandoning their homes. There could, of course, be no greater spur to Arab violence than for a Jewish area to be yielded under attack. Any such evacuation would spell the success of aggression in its main objective and would replace initial Arab caution and reluctance to fight by an incentive to mass uprising. Yet the role of the Palestine Government in these circumstances has been to advise the attacked villages or quarters to evacuate.

32. Thus on December 7, the British military commander in South Palestine called in the representatives of fourteen settlements in the Negev and advised them to abandon their positions. It could not have escaped the notice of the British authorities that such evacuation would be tantamount to the surrender by the Jews of the entire Negev area assigned by the Assembly to the Jewish State. On December 23, a British military spokesman advised the Jewish Community Council to evacuate the old Commercial Centre of Jerusalem. On January 13, Arab snipers fired for several hours on the Government Hospital for Jewish Mental Patients at Bat Yam, south of Jaffa; the Government took no measures beyond intimating to Jewish authorities that the patients ought to be evacuated. A few days later the Government ordered the evacuation of the site. There have been numerous attempts by British authorities to persuade the Jews to evacuate the

---

\*Nos. 3 & 4



Old City of Jerusalem which has been inhabited by Jews for several centuries and is hallowed for the Jewish people by age-old religious and historical associations.

Situation in the Old City

33. The reluctance of the Mandatory Government to appear as an agent in the implementation of the Assembly's Resolution has resulted in its passive submission to the control by Arab gangs of the Old City of Jerusalem, including its Holy Places. The control of the Old City by the Arab Higher Committee involves violation of a religious sentiment the depth of which was so powerfully revealed during the recent session of the General Assembly.

34. Day after day Arab snipers, taking cover chiefly behind the walls of the Great Mosque, continued to fire on the Jewish quarter of the Old City. Jewish passersby at Jaffa Gate were attacked and killed. Food convoys into the Old City were under fire. For many days after the initial outbreak no acts of retaliation occurred. The Jewish Community was waiting for a strong military and police reaction, which was not forthcoming. It was in these circumstances that a dissident Jewish terrorist group proceeded to commit bombing outrages against Arabs at Damascus and Jaffa Gates. The outrages were unreservedly condemned by the organized community. They were seized upon as an excuse by Arab bands to install their rule over the Old City to which the British authorities, to all apparent purposes, have quietly submitted.

35. By early January the Arabs had established armed "guards" at the Jaffa Gate, Damascus Gate, New Gate, Zion Gate and St. Stephens Gate. 1500 Jews found themselves besieged within the walls, completely cut off from the world outside. Entry into and exit from the walled city were controlled by men illegally armed under a commander appointed by the Arab Higher Committee. When on January 2, the Jewish Agency Liaison Officer, Capt. Gluckmann, asked Colonel McLeod commanding the 2nd Battalion of the Highland Light Infantry for facilities to visit the Jewish quarter, the latter undertook "to obtain a pass from the Arab Higher Committee."

36. From conversations between Jewish representatives and British Officers in formal command of the Old City it has again emerged that British forces regard themselves as standing in a position of neutrality between Arabs attacking the Jewish quarters, and Jews defending themselves against attack. "So long as they shoot at each other we leave



them alone" was the remark of a British officer to two foreign newspaper correspondents who visited him on January 17. Sheikh Bahri, who is the commander of the Arab "forces" in the Old City, boasted on January 8 of his success in keeping the Jews away from the historic Wailing Wall, the greatest existing Sanctuary of the Jewish faith.

37. Nothing illustrates better the moral position in which the Mandatory Power has found itself as a result of its desire to avoid implementation of the United Nations Resolution than this surrender of the Old City of Jerusalem to the most lawless and impious elements in the country. The apparent indifference of the Mandatory Power to whether force is used to attack or to defend the United Nations Resolution applies even when the policy attacked is not that of creating a Jewish State but of setting up an international regime in a city sacred to the three great faiths.

#### Attacks on Haganah

38. It is a reasonable deduction from these events that the fear of being in any way implicated in the implementation of the United Nations policy predominates in the mind of the Mandatory against its obligation to maintain law and order. The defence of Jews against Arab attack is inhibited, for the reason that it is liable to be construed as a defence of the United Nations policy against forces seeking to overthrow it. Being averse to incurring this implication, British forces are often unwilling to defend or to authorize the defence of Jews by the only measures which would render the defence effective.

39. In this situation the Jewish people in Palestine have come to recognize that only their own forces stand between them and annihilation. Faced with the Government's neutrality in the issue of their survival or extermination; fortified by the knowledge that the political objectives of their attackers are abhorrent to the conscience of the world and subversive of United Nations authority, the Jews of Palestine have assumed a responsibility which formally rests on the Mandatory Power. But for the efforts of Haganah, the defence force of the Jewish community, the world would have witnessed in Palestine a massacre of Jews by Arabs with the Mandatory Power remaining neutral and passive, or interfering only belatedly and ineffectively.

40. It is therefore singular that formal legality, so tolerantly compromised in the Old City of Jerusalem and elsewhere, is so often rigidly applied to Jewish defenders. A



Haganah member defending his community against murderous attack is not only exposed to the normal hazards of battle; he may also at any moment be arrested, disarmed or even shot by British soldiers and police.

41. As already mentioned, on the very first day of the disturbances in Jerusalem, December 2, several members of the Haganah were arrested. They had intervened to restore order in the looted Commercial Centre, and to restrain their own people from angry reprisal. The enclosed photographs show them engaged in these tasks.\*

42. On December 4, fifteen Haganah youths, including two girls, were arrested in Julian's Way, Jerusalem, for carrying arms. On December 7, Haganah was active in defending the Hatikvah quarter of Tel-Aviv against a serious attack. Late that evening the police confiscated Sten guns, rifles and ammunition belonging to the defenders. Haganah sentries guarding the Jewish Home for the Blind situated in an isolated spot near Jerusalem were arrested on December 6. On December 10, five Jews were arrested while defending an outpost at Tel ar-Rish south of Tel-Aviv. On December 14, after an attack on the detached Jewish suburb of Holon near Jaffa, which had lasted all day, was beaten off, the police arrived and searched the quarter for arms; six of the defenders were arrested. On December 19, four Haganah members were arrested while escorting a convoy of the Palestine Potash Company to the Dead Sea. On December 28, Arabs attacked a Jewish children's home in the Katamon quarter of Jerusalem; police searched the quarter, arresting 10 Haganah members and not a single Arab. On the same day a large Arab band attacked a group of Jews guarding the water pipeline to the Negev near the village of Amara. Later British troops arrived and arrested all the Jewish guards, including the wounded. On January 12, 60 men from Kfar Uriah, which had been attacked by Arabs for three days, were arrested and disarmed by British police; subsequently the arms were returned. In all these, and in numerous other incidents, no attempts were made to apprehend Arabs.

43. Reviewing the situation on December 28 the Jerusalem correspondent of the New York Times wrote: "Complaints of the Jewish Agency for Palestine that police disarmed only Jews and not Arabs appeared justified today by an official statement on the fight Friday near Gaza. It said the police dispersed the Arabs and took the Jews into custody, confiscating thirty rifles, four machine guns, thirteen sub-machine guns, and more than 3,000 rounds of ammunition from the Jews."

\* Nos. 5 & 6



44. The military courts still treat Jewish defence personnel as criminals if they do not go about unarmed. On January 1, a Haganah member was sentenced to five years imprisonment for carrying arms in the Salameh quarter on the outskirts of Tel-Aviv. On January 6, two Jewish girls, aged 18 and 20, were sentenced to a fine of \$1,600 or three years imprisonment for possession of arms. On January 21, two Haganah men in Jerusalem convicted by the Military Court for possessing arms, pleaded that "it would be a crime against humanity to sit idly by while murder is being done."

45. It cannot seriously be contended that Jews can afford to go unarmed in the confidence that British protection is at hand. On December 2, a journalist, Asher Lazar, was stabbed and seriously wounded a few yards from Police headquarters in Jerusalem. On January 14, a Jewish woman, aged 53, was stabbed by a group of Arabs under the very eyes of British sentries and then shot twice through the head. The correspondent of the New York Times, who witnessed this incident, reported one of the sentries to have told him: "We saw that something was happening but we couldn't leave our posts."

46. On many occasions British action against Haganah has been of direct assistance to Arab attackers. The Sheikh Jarrah quarter of Jerusalem has already been mentioned as a nest of snipers against traffic passing to Mount Scopus. The same snipers continually attack the Jewish quarter of Hahlat Shimon. On January 21, British police confiscated all the arms in the possession of Nahlat Shimon residents. The Jewish residential suburb of Jerusalem, Talpiot, is separated from the town by Arab quarters and a stretch of open field. On January 29, British police arrested the fifteen Jews guarding the children's home at Arnona, Talpiot, and removed their arms. At the height of the Arab attack on the Jewish quarter of the Old City sixteen Jewish defenders were arraigned before a military court. A Government spokesman said that "the presence of Haganah in the Old City was not calculated to help." This despite the fact that but for Haganah the Jewish quarter of the Old City would on several occasions have been broken into with consequences too dreadful to contemplate. On January 26, British forces actually blew up a Jewish defence post in the Old City. On January 24, British troops blew up a defence post in a Jewish distillery in Mikvoh Israel, which Arab gangs had unsuccessfully attempted to blow up four days previously. On February 17, Haganah defence posts were blown up in Mekor Haim near Jerusalem. Mekor Haim has been under almost daily attack for the past three months and early in February its defenders had repulsed an attack



from a strong Arab band including uniformed Iraqis.

47. Action against Jewish defence activities have even gone to the lengths of police and military killing and wounding Jewish security personnel and civilians. On December 3, a Jewish worker, Saul Levi, was shot dead by a British policeman in Tel-Aviv. While Haganah forces were defending the Hatikvahquarters on the outskirts of Tel-Aviv on the night of December 4-5 a police armored car arrived and fired on the Jews, killing three men in cold blood, including a senior Haganah officer, Jacob Shiff. Five of his colleagues were later sentenced to heavy terms of imprisonment. This incident was the subject of representations by the Chairman of the Jewish Agency Executive to the High Commissioner for Palestine on December 8. On December 9, British police, firing indiscriminately in Tel-Aviv, killed two Jewish civilians including a thirteen-year old school girl, Zipporah Pasmanic. On December 10, Gedalia Harari was one of a Haganah party detained for questioning at the Manshiah quarter of Jaffa; on being released and proceeding down the road he was shot dead by a police officer firing at long range. On January 8, a Jewish youth and girl, Samuel Zabary and Miriam Mindel, were shot dead by a British military patrol in Tel-Aviv. Investigations are now proceeding into the circumstances in which the editorial offices of the Palestine Post were blown up on February 1.

48. On January 25, a Haganah road patrol was attacked by a band of 200 Arabs at Quastel near Jerusalem. The Haganah party suffered ten men killed, at least four of them by British troops who fired indiscriminately at Jews and Arabs and prevented Jewish reinforcements from reaching the scene. This incident was acknowledged and regrets expressed by the British authorities.

The most terrible incident of this character occurred in Jerusalem on February 12. Haganah members were manning a road-block in an exposed part of the city (the road junction of Mea Shearim-Samuel Hanavi Streets). They were arrested by a British military patrol and taken to a police station in the heart of an Arab area. They were then let loose, unarmed, to face certain and hideous death. The nude bodies of four of these men, between the ages of 19 and 23, were found outside the Lion's Gate on the Jericho Road. It is clear that they were deliberately handed over for execution to Arab mobs. An army sergeant-major implicated in this incident is now under arrest and an investigation has been ordered by the General Officer Commanding.



49. The practice of disarming and impeding Haganah forces must be examined in the light of circumstances which make the life of the Jewish population dependent on its own defensive resources. On several occasions entire villages would have been wiped out but for Haganah defence. When Dan, Kfar Szold and Yehiam in Upper Galilee were attacked by invading forces from Syria and Lebanon on January 9, 14 and 21 respectively, British troops in the end intervened strongly to repel the invaders. But for several hours the Haganah forces had held the attackers at bay unaided. When Kfar Etzion near Hebron was heavily attacked by armed bands on January 14, twenty-four hours elapsed before British troops arrived on the scene, by which time the attackers had already suffered a crushing defeat. On February 10, a major assault was launched at 11 a.m. on the Yemin Moshe quarter in Jerusalem and resisted by Haganah; British troops went into action only at 4 p.m., after the main phase of the attack was over. On February 16, the Haganah forces successfully defended Tirat Zvi and two neighboring settlements in the Beisan Valley against a large-scale Arab attack for six hours before British troops appeared. It is easy to imagine what the fate of the Jewish settlers would have been without the defence of Haganah whose members are so frequently disarmed and arrested by British security forces.

50. Occasions on which Jewish convoys, though frequently attacked, have been searched for arms, have already been mentioned. Their number is legion. The Government has repeatedly given assurances that these searches will be stopped. They have continued to take place. The Head of the Jewish Agency's Political Department in Jerusalem herself received an assurance from the Chief Secretary that arms searches in Jewish convoys would be discontinued. A few days later the convoy in which Mrs. Meyerson was travelling was searched for arms, and some of her escort detained.

#### British Policy Towards Arab Aggression

51. These stringent measures against Jewish defenders are accompanied by a policy of comparative leniency towards Arab attackers. The position was well summarized by an American correspondent who wrote on December 22: "While higher British policy is to treat Jews and Arabs alike, certain British police appear to be taking advantage of the disorder to settle scores marked up during the last two years....The attitude of these police is to look the other way while Arabs prepare attacks against Jews, but to act promptly to arrest Jews with firearms." (New York Herald Tribune)



52. The organization which instigates and commands Arab aggression in Palestine is the Arab Higher Committee which works through local Committees in urban and rural areas. The Higher Committee makes no secret of its role as an organization bent on killing Jews and destroying Jewish property with the aim of frustrating the United Nations decision and imposing a political settlement which was emphatically rejected by the General Assembly. The leading members of the Higher Committee in Palestine are Dr. Hussein Khalidi and Mr. Emil Ghoury who have both made public their approval of Arab violence and their intention to intensify it in the future. The identity of other ring-leaders is well known to the Mandatory Government -- including Sheikh Hasan Salameh, the military commander of the Arab bands in the Lydda District, who had been in the Mufti's entourage at Berlin during the war and who was dropped on Palestine by parachute in 1944; and Sheikh Bahri who is in effective control of the entire Old City of Jerusalem. No effort whatsoever has been made by the Government to take these instigators of violence into custody or even to impede their movement: Dr. Khalidi in fact is often received in audience by the High Commissioner, and in one of these meetings he announced the intention of the Arabs to attack the U.N. Commission.

53. On January 14, when a strong Arab force launched an unprovoked attack on Kfar Etzion, the Palestine Government spokesman said: "The authorities have been in touch with responsible Arab bodies in an effort to achieve the immediate dispersal of these men." It later transpired that the "responsible Arab bodies" were branches of the Arab Higher Committee. The question arises whether instigators of Arab violence would enjoy this immunity if their activities were aimed against British policy instead of being directed against a United Nations resolution with which Britain is not identified.

54. The continuing infiltration of Arabs from neighboring countries with the aim of increasing violence in Palestine is well known to the Palestine Government. The information supplied by the Jewish Agency on this point in its Memorandum to the UN Commission on February 2, 1948, was substantially confirmed by the United Kingdom delegation in its communication to the Commission of February 6. No effective measures were taken by the British authorities to prevent this violation of Palestinian frontiers. In the House of Commons on February 4 Mr. Creech-Jones gave the impression that the infiltration had taken the Government by surprise. Yet two days before the arrival of 700 Arab invaders in Tubas, the Jewish Agency gave warning to British Military Headquarters that



a band of 700 - 800 armed Arabs had concentrated at Irbid in Transjordan and was preparing to cross the Jordan at Sheikh Hussein or Allenby Bridge. Thereafter they actually did cross the river at Sheikh Hussein.

55. It is interesting to compare the laxity of the Mandatory Power in tolerating the entry into Palestinian territory of organized and well-equipped Arab gangs, with the determined, expensive and intricate measures which it adopted by land, sea and air and through diplomatic action to prevent the helpless victims of Nazi persecution, including women and children, from entering Palestine under the immigration provisions of the Mandate.

56. Not content with permitting the high command of Arab aggression to function openly, nor with tolerating the entry of foreign reinforcements to strengthen that aggression in the future, the policy and practice of the Mandatory Power has the effect also of virtually facilitating the increase of the arms and equipment which the Arabs need for their assault on the United Nations policy.

57. Some of these arms are supplied directly to Arab groups in Palestine without any assurance that they will not be used in aggressive action against the United Nations. When the Jewish Guard Force at Tel-Aviv was authorized, the Government issued no arms at all to that body, but stipulated that the Jewish Agency should issue 500 rifles of its own. On the other hand, 200 English rifles were issued to bedu sheikhs in the Negev, 360 to Arabs in Upper Galilee and 300 to the Arab National Guard at Jaffa. If this precedent is followed, any expansion of municipal police forces will be tantamount to a device for arming Arab forces which will be better equipped to attack the United Nations policy when the time comes.

58. The Arabs do not have to rely entirely on the free issuance of arms to their police forces by the British authorities. A fruitful source of arms is provided through desertions of Arab members of security forces with their weapons. According to information at the disposal of the Jewish Agency, about 375 Arabs have deserted from the Palestine police and 75 from the Transjordan Frontier Force, taking with them approximately the following quantity of arms and equipment: 550 rifles, several Bren guns, 40 other automatic weapons, 10 pistols, and over 12,000 rounds of ammunition. These desertions are still continuing, and the Mandatory Administration is scoring no notable success in



preventing its arms from disappearing into the armouries of Arab aggression. In December, a complete police armory was stolen by Arabs at Ramleh, containing 400 rifles and a large quantity of ammunition. The raid was executed with the help of Arab policemen.

59. As if all this arms traffic was not sufficient, the arms reserves available for Arab aggression are increased by the direct supply of military equipment to Arab States on the part of the Mandatory Power, under the terms of treaties and in fulfillment of contractual obligations.

60. The resolve of the Arab States to provide arms for an Arab revolt against Partition is clearly on record. Yet under the terms of a new treaty signed between the United Kingdom Government and the Government of Iraq on January 15, 1948, Great Britain reaffirmed its readiness to supply Iraq with arms. By Article 8 of the Annexure of that treaty "His Britannic Majesty undertakes to grant whenever they may be required by His Majesty, the King of Iraq, all possible facilities in the following matters..... provision for the forces of His Majesty, the King of Iraq, of arms, ammunition, ships and airplanes of modern pattern such as are in current use by the forces of His Britannic Majesty on a priority which having regard to the relative needs of each force shall treat both forces equally." It is estimated that as recently as during September and October, 1947, Iraq purchased from the United Kingdom Government 130 armored vehicles, some 90 airplanes, about 2,500 individual arms and over 2,000 non-armored vehicles. A statement of a British Foreign Office spokesman on January 13, 1948, indicated that there is no intention of changing these arrangements in the light of the new situation created by the determination of Arab Governments to use armed forces against the General Assembly's resolution. The spokesman justified British policy in this regard by invoking the validity of treaty obligations. This justification, however, fails to take account of Article 103 of the UN Charter which reads: "In the event of a conflict between the obligations of the members of the UN under the present Charter and their obligations under any other international agreement, their obligations under the present charter shall prevail." The obligations under the Charter are partly defined in Articles 1 and 2 relating to "effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression and other breaches of the peace". There is a further overriding provision already quoted, viz: "all members shall give the UN every assistance in any action it takes in accordance with the present Charter". (Article 2, Para. V).



61. In discussing this subject in the House of Commons on February 6, 1948, the British Minister of Defence (Mr. A. V. Alexander) stated that his Government had no reason to suppose that arms assigned to Arab States under treaties would find their way to Palestine. The official statement by seven Arab Prime Ministers on December 17, 1947, to the effect that they would supply the Palestine Arabs with arms, money and men should be sufficient to disturb Mr. Alexander's confidence in the innocent destination of British arms. On January 14, the Egyptian newspaper Al-Masri reported that "all arms being used by Iraqi volunteers in Palestine are modern weapons supplied by Britain". On January 2, Ahmed Hussein, the leader of the Egyptian volunteers for war in Palestine, stated in a letter to the press that the Egyptian Government had supplied 2,000 rifles for war in Palestine.

62. To improve their general supply position the Arabs rely on a systematic campaign of train robberies. Trains carrying heavy cargoes of foodstuffs have been held up and robbed by Arabs on the Palestine railway lines on the following occasions:

December 19	Haifa-Lydd
December 26	North of Kakun
December 30	near Gaza
December 30	near Jerusalem
January 1 - 2	Qalqilya - Tulkarm
(Five Robberies)	
January 3	North of Egyptian border
January 16	Athlit and Zikhron Yaacov
January 23	Near Egyptian border

Between December 1 and December 28, according to Government sources, Arab gangs made off with 340 tons of cereals, 100 tons of wood, 190 tons of cement, 15 tons of sugar, 20 tons of oranges, 100 tons of miscellaneous goods, 43 cows and 220 bags of mail.

63. None of these robberies has been resisted by the security forces. When armed guards escort these trains, they are ordered to fire over the heads of the robbers, and this fact is published in Government communiques, serving, in effect, as an act of reassurance to timid spirits amongst aspiring train robbers. A well-known American correspondent writes in some perplexity: "There has been a certain curious element until now in Arab train hold-ups. A train normally was guarded by one or two Arab auxiliary policemen armed with rifles. When it was halted by raiders the guards would be relieved



of their arms and the Arabs would take whatever they found on the train that they needed and the matter was ended. In one recent case a train was robbed twice by two different groups within a few miles. Emile Ghory of the Arab Higher Committee remarked recently to this correspondent that it was not robbery but blockade".\* The reductio ad absurdum in this lamentable affair is reached in an appeal by the Food Controller "to Jews and Arabs alike... to abstain from train robberies in the interest of the food situation in Palestine"!

#### Attacks on Jews by Arab Legion

64. Units of the Arab Legion (which owes allegiance to the King of Transjordan) have for several years been kept in Palestinian territory under the operational command of British military headquarters. Soldiers of this Legion have constantly been involved in hostile acts against Jewish villagers and Jewish transport, and the Jewish Agency has frequently requested the British Government to remove the Arab Legion from Palestine and thus eliminate an avoidable source of danger to security in a period of grave political tension. These requests have invariably been disregarded.

65. The defence of road traffic should have been the primary task of all security forces when the Arab wave of violence began on the highways in early December. Yet on December 15, 1947, Arab Legion troops themselves attacked a Jewish supply convoy on its way from Tel-Aviv to the Children's Village at Ben Shemen. Fourteen Jews were killed. This incident marked a turning point in the development of Arab aggression in Palestine which thereafter became more determined and widespread.

66. Three days previously, a soldier of the Arab Legion on sentry duty at the 42nd General Military Hospital in Haifa, killed a Jew approaching the hospital. On February 3, 1948, the Jewish Agency received a telegram from the Jewish Community Council in Haifa expressing the sense of outrage felt by Haifa Jews at the murder that day of Jewish passengers on busses passing the Arab Legion Camp. On February 17, again at Haifa, two young Jews and a Jewess were dragged from their car and brutally murdered by Arab Legion troops. This incident is the most recent of several in which Arab troops, which are under British command, have committed murderous assaults on the Jewish population.

---

\* New York Times January 24



67. The very fact that the Legion is removed from its own territory weans it from such restraining influences as the direct political control of its Government might have exercised. British control being purely military, the Legion is free to identify itself politically with its immediate Arab environment. Its members being strangers in Palestine, they are also free from such restraints as the fear of possible Jewish retaliation against their villages might otherwise exercise. It would seem elementary that in an atmosphere of Arab-Jewish tension involving Arab attacks on Jews, the Arab Legion cannot sincerely be regarded as an impartial defender of the peace. Refusal to subscribe to this fundamental axiom has led to the retention of the Arab Legion in Palestine and now involves the British Government in responsibility for the Legion's murderous acts.

The continued presence in Palestine of Units of the Arab Legion is revolting to the sense of security of the Jews and considered as a grave menace by the Jewish Agency.

#### Propaganda and Information

68. The mandatory policy of neutrality involves the necessity of portraying the Jews as at least equally aggressive as the Arabs. On three occasions when Jewish civilian transport was attacked by Arab Legion troops with fatal results (at Beit Nabala on December 14, at Neve Shaanan, Haifa, on February 3 and on Mount Carmel on February 17) Government communiques declared that the Jewish buses had fired first. The world was asked to believe that ordinary travellers in a Jewish bus become so exuberant or audacious at the sight of a heavily armed Arab Legion camp that they cannot resist inviting death by shooting at it. On January 20, a Jew was killed in the Old City by an Arab guard; a Government communique conjured up a picture of a Jew alone in a hostile Arab quarter provoking his own death by attacking the guard. On one occasion, when a murderous assault on a Jewish convoy passing by the Arab village of Yazur was described in an official communique as having been due to an aggressive act on the part of the Jews, the authorities after investigation admitted to the Jewish Agency that the first official version was false and that the attack had been unprovoked. On January 18, official sources reported a Zionist "punitive expedition" against three villages near Hebron. The following day the Mayor of Hebron denied any such attack on any of these villages. Official communiques after the first battle of Kfar Etzion, when the attack was beaten off before British troops arrived, placed Arab losses at 4; actually they reached well over 60 and the underestimate was of service to Arab morale which suffers severely from heavy casualties.



The Palestine Government has often condemned Jewish military activities in reprisal against Arab attacks when these reprisals have tragically involved innocent lives. Yet not one word of Governmental condemnation was forthcoming when Arabs murdered a Jewish doctor, Dr. Lehrs, in the precincts of his hospital, or when the 35 Jewish victims of an Arab ambush near Kfar Etzion were atrociously mutilated in an act so revolting to all human conscience that official silence must give rise to grave misgivings. A photograph of these mutilated bodies was published in PM on January 30.





Attitude towards Implementation

69. At a meeting of Sub-Committee I of the Palestine Ad Hoc Committee of the General Assembly on November 13 the United Kingdom Representative was asked, inter alia, whether his Government would obstruct the following measures to be taken by the UN Commission during the transition period; the constitution of Provisional Councils of Government; the formation of militias in the two States; and the general work of the United Nations Commission. Sir Alexander Cadogan pledged his Government not to obstruct any of these measures. On December 11, Mr. Creech-Jones, speaking in the House of Commons, expressed his anxiety to facilitate a smooth transfer of powers to the successor authorities. As recently as January 20, Lord Listowel, speaking on behalf of the British Government in the debate on Palestine in the House of Lords, said that "Britain would not obstruct any condition imposed by the United Nations".

70. The UN Commission is itself in the best position to know whether the Mandatory Power is offering the United Nations all aid and facilities in conformity with its own undertakings and its obligations under the Charter. There are, however, certain provisions of the implementation scheme which affect the security of the Jewish population so vitally that any failure to comply with them prejudices its welfare most gravely.

Implication of Refusal to Allow Militia

71. In particular, the refusal of the Mandatory Power to allow immediate preparations for the formation of a militia for the Jewish State has the effect of enhancing the prospects of Arab aggression and weakening the prospects of Jewish defence. In view of the fact that for the Arabs, as stated by the United Kingdom representative, "the killing of Jews transcends all other considerations", and that the United Nations has as yet provided no other means of preserving order in Palestine, the refusal to allow preparations for a militia ensures conditions in which the "transcendent consideration" of killing Jews shall have free scope.

72. That a government should wilfully insist on leaving a country after a period of trusteeship with no authorized security forces in any area, with the exception of some units of municipal police, is an unusual episode in the history of government. The refusal is all the more difficult to understand in view of the fact that the Mandatory Government is called upon for no effort or exertion in establishing new agencies of security. No derogation is suggested from the Mandatory's sole



responsibility for maintaining law and order. The issue is whether a vacuum of security shall be created by the termination of the Mandate in which those concerned to defend the incoming international regime will have to improvise their defence as best they can; or whether the termination of the Mandate will find a nucleus of a properly organized and well-equipped force ready to defend law and order. The Jewish Agency hopes that the Mandatory Power will not prefer the first alternative to the second or seek to impose that preference on the United Nations.

73. Any delay in the preparatory steps for the formation of a militia is extremely perilous in the light of actual circumstances. Arab forces are pledged to wage war on the United Nations settlement. Jewish forces are preparing to meet the challenge by defending their territory and the verdict of the United Nations. The Arab forces can muster, mobilize, and arm without let or hindrance outside Palestine borders. Even within Palestine the Mandatory Power has admitted that in certain areas Arab bands exercise virtual administrative control. The Jewish forces, on the other hand, are restricted in their freedom of action inside Palestine and are blockaded by the British Navy from the outside world. It is in these circumstances that the United Nations seeks to create a balance of security by ensuring that any forces, Jewish or Arab, willing to defend the peace shall not be overwhelmed by superior aggressive force from any quarter. The request is refused by one of the original signatories of the Charter.

74. A militia cannot be created overnight. Yet the militia in the Jewish State will pass overnight on May 15 into a position of sole responsibility as far as can be foreseen, for the life of every man, woman and child within its frontiers. The supreme test of its capacity will come at once. One effect of the refusal to allow militias to be formed, is to create an absolute certainty that forces operating against the United Nations will seize their opportunity as soon as the Mandate ends. It is not in the nature of aggression to wait until defence is perfected. Peace is only secured when preparation for defence precedes and outweighs preparation for attack.

75. The Jewish Agency assumes that the British delegation has submitted detailed justifications for so singular a policy which have not been vouchsafed to the public. Any discussion here must rest on the surmise that there are considerations which a member of the United Nations can hold above the security of peoples committed to its care. The British Government may consider that the preparation of militias might



involve its own forces in the consequences of increased Arab violence. The idea that a Government's sole responsibility is to itself and that the future interests of its wards count for nothing cannot be easily sustained.

#### The Immigration Provision

76. The hopes of those forces which aspire to nullify the Assembly's Resolution have already been raised by the British refusal to comply with the recommendation for the evacuation of a seaport for substantial Jewish immigration by February 1. This recommendation reflected the deep concern of the General Assembly with the urgency of the problem of Jewish immigration into Palestine -- a problem whose acute character all recent reports of impartial tribunals have confirmed. Yet the solemn appeal of the Assembly, coming as it did in the wake of appeals made in the past by the President of the United States and the unanimous recommendation of the Anglo-American Committee which was appointed on the initiative of the British Government itself, has been of no avail. The British plea that the increase of Jewish refugee immigration would imperil security can hardly sound convincing when free rein is given to the incursion of Arab forces from outside. Moreover, to deny Jewish immigration on the ground that it will provoke Arab violence is to give that violence incentive and encouragement.

#### Commission's Arrival in Palestine

77. Refusal to allow the Commission to proceed to Palestine in due time rules out the prospect of a smooth transfer which might ensure continuity of vital services. These services are already suffering through the disintegration of the Government's authority and its impotence to retain the loyalty of Arab or Jewish staff. British representatives have themselves admitted to the Commission that the administrative machine is in process of running down and that "the situation may well get worse". Yet this frank recognition has not lead to any greater readiness to give the Commission all the time, freedom and facilities required to correct a situation fraught with danger and suffering to the population.

#### Conclusion

78. In expressing the hope that ways may still be found of creating some harmony between the practice of the Mandatory Power and the conditions necessary for the implementation of the U.N. Resolution, the Jewish Agency relies on the statements of the British representatives themselves.



Addressing the General Assembly on November 26, 1947, Sir Alexander Cadogan said on behalf of the United Kingdom delegation:

"I can assure the General Assembly that, if the present draft resolution is adopted, my Government will loyally accept it in so far as its terms do not conflict with the conditions laid down in the Colonial Secretary's speech of 26 September 1947 and subsequent statements made by my delegation".

79. In his further remarks Sir Alexander made it plain that the condition on which the United Kingdom Government insisted was that they would not "allow their troops and administration to be used in order to enforce" the Partition settlement. It will be noted that the resolution of the General Assembly does not invite the United Kingdom to use its troops or administration to enforce Partition. On the contrary it provides other measures of enforcement through a scheme for the establishment of Provisional Councils of Government and militias in the two States and through reliance on the powers of the Security Council if the situation in Palestine should constitute a threat to the peace. At a meeting of Sub-Committee I of the Ad Hoc Committee of the General Assembly on November 13 Sir Alexander said that His Government would not obstruct the specific measures envisaged by the Assembly Resolution for the transition period.

80. In its Resolution of November 29 the General Assembly

"appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations".

Apart from this specific admonition it is relevant to recall that Article 2 of the Charter reads in part:

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter".

81. In the House of Commons on December 11, 1947, the British Secretary of State for the Colonies, Mr. Creech-Jones, said:

"The decision of the Assembly is regarded by H. M. Government as the decision of a court of international opinion. This is not a grudging acceptance....we wish our authority transferred to our successors in an orderly manner. We can only express our hope....that the greatest respect will be shown this decision of the international authority."



On December 12, the Secretary of State for Foreign Affairs, Mr. Bevin, declared:

"I am not going and H.M. Government are not going  
to oppose the United Nations decision....There is  
the United Nations decision....If my colleagues or  
I can render any assistance....we shall do it."

82. In the light of its own express statement as well as its permanent obligations under the Charter, the United Kingdom Government is thus clearly bound to refrain from action which might hamper or delay the carrying out of the Assembly's recommendations. Those recommendations, which concern future action, do not exonerate the United Kingdom Government from its immediate responsibilities for the maintenance of law and order in Palestine so long as its mandatory obligations last. Indeed, the British Government has itself insisted that it must bear that responsibility -- and bear it alone -- as long as the Mandate is in force. On November 13, 1947, Sir Alexander Cadogan made the following declaration to Sub-Committee I of the General Assembly's Ad Hoc Committee on Palestine:

"So long as British troops remain in any part of  
Palestine, they must of course maintain law and  
order in the areas of which they are still in  
occupation".

On November 22, the British representative in the Ad Hoc Committee said:

"So long as the mandate continues to exist, my  
Government insists on undivided control through-  
out the country".

83. Quite apart from any specific obligations prescribed by international treaties, civilized governments are normally expected to secure the conditions of peaceful and orderly life. In surrendering their powers and responsibilities they may legitimately be required to ensure that their lawful successors inherit conditions in which human life can effectively be defended and vital services adequately maintained. These obligations would seem to have special force in a country like Palestine where the British Government has no sovereignty or jurisdiction except that conferred upon it by an international Mandate; and failure to ensure stable conditions for a future lawful regime would be particularly repugnant in a country such as Palestine which occupies a unique place in the reverence and spiritual concern of mankind.



84. The fact that the Mandatory Power may not approve of the plan recommended by the General Assembly would not seem to affect its duty to cooperate with the United Nations once the plan has been adopted. On November 13, 1947, sixteen days before the adoption of the Resolution on Palestine, the following exemplary observations were made in the General Assembly on another issue:

"If states are to permit themselves -- and to be permitted -- to cooperate with the Organization when it suits them and to stand aside, or to attempt to sabotage it when it does not, this Organization would be rendered wholly abortive. That, as a matter of fact, is a technique which is not without historical precedent and is all the more deplorable for that reason. We must now allow that technique to destroy this Organization".

The speaker was Sir Hartley Shawcross, the delegate of the United Kingdom.





MEMORANDUM  
ON  
BRITISH POLICY IN PALESTINE

*submitted to the*  
UNITED NATIONS PALESTINE COMMISSION  
*by the*  
JEWISH AGENCY FOR PALESTINE

LAKE SUCCESS, NEW YORK  
FEBRUARY 21, 1948



**MEMORANDUM**

**ON**

**BRITISH POLICY IN PALESTINE SINCE THE ADOPTION  
OF THE GENERAL ASSEMBLY'S PALESTINE RESOLUTION,  
WITH PARTICULAR REFERENCE TO SECURITY**

*submitted to the*

**UNITED NATIONS PALESTINE COMMISSION**

*by the*

**JEWISH AGENCY FOR PALESTINE**

**LAKE SUCCESS, NEW YORK**

**FEBRUARY 21, 1948**



## INTRODUCTION

The security situation in Palestine, where the United Kingdom Government exercises undivided responsibility for the preservation of law and order, has been the subject of a special Report by the United Nations Palestine Commission to the Security Council. In that Report the Commission finds that the "security situation continues to be aggravated"; that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly, and are engaged in a deliberate effort to alter by force the settlement envisaged therein" and that special measures will therefore be required to maintain security during the implementation of the General Assembly's Resolution.

2. The underlying causes and purposes of the present violence in Palestine are not matters of mere academic interest and the Jewish Agency for Palestine feels bound to contribute what it can to an accurate portrayal of the situation which the U. N. Palestine Commission has described in such grave terms. This duty is the more compelling in view of the fact that the United Kingdom Government has publicly given an account of that situation which the Jewish Agency regards as untenable. Thus the United Kingdom charges Jews and Arabs with equal guilt for aggression; exonerates itself from any share of responsibility for the continuance of disorder; and abstains from any indication that Jewish defence activities in Palestine have any relation to the maintenance of United Nations authority and the principles of the Charter.

3. On January 21, 1948, Sir Alexander Cadogan, representing the United Kingdom, gave the United Nations Palestine Commission an account of the circumstances in which conflict and disturbances had arisen in Palestine. "The Jewish story," he said, "that the Arabs are the attackers and the Jews the attacked is not tenable. The Arabs are determined to show that they will not submit tamely to the United Nations Plan of Partition; while the Jews are trying to consolidate the advantages gained at the General Assembly by a succession of drastic operations designed to intimidate and cure the Arabs of any desire for further conflict. Elements on each side are thus engaged in attacking or in making reprisals indistinguishable from attacks . . . The Government of Palestine fears that strife in Palestine will be greatly intensified when the Mandate is terminated, and that the international status of the United Nations Commission will mean little or nothing to the Arabs in Palestine to whom the killing of Jews now transcends all other considerations."



4. This version of Jews and Arabs engaged in indiscriminate violence with the Mandatory Power standing neutral between them was supported by Mr. Creech-Jones at a conference with the press on February 18, 1948.

5. The United Kingdom view may thus be summarized as follows: It is not a case of Arab attack upon Jews and Jewish defence against such attack. There has been a simultaneous eruption of violence from both sides, both of which are engaged in military operations of identical character, in pursuit of political objectives on whose respective merits the United Kingdom has no views. The United Kingdom Government appears unaware which side began the violence; but since it categorically dismisses the view that "the Arabs are the attackers," the logical conclusion would appear to be that the Jews may have taken the initiative. In the ensuing disorders the Mandatory Power fulfilled no role except the impartial maintenance of law and order and the suppression of violence.

#### THE ARAB ROLE

6. This presentation completely distorts the picture. In particular, the grave charge of aggression levelled against the Jews is utterly unwarranted. There is no doubt whatever where initial responsibility for this violent conflict lies. It is entirely due, in the words of the U. N. Palestine Commission, to the fact that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein."

7. The Jewish Agency contends that these "powerful interests inside Palestine" are principally the Arab Higher Committee, while the "powerful interests outside Palestine" are the Arab League and the Governments represented therein. The Arab Higher Committee, the Arab League and the Governments represented therein have all proclaimed the fact that they are engaged in an attempt to defeat the U. N. Resolution by violence; and there is every reason to accept their professions on this point with complete confidence.

#### THE JEWISH ROLE

8. Violence in Palestine began with Arab attacks on Jewish life and property; and all military activities of the Palestine Jewish community have had no other object but to defend the Jewish population against those attacks or to take measures against their threatened continuance, in default of effective action by the Mandatory authorities.



### THE BRITISH ROLE

9. At the same time the attitude of neutrality which the Mandatory Power had assumed between the implementation of the United Nations Resolution and its violation has involved neutrality between defence and attack; and the practical effect of such an attitude of neutrality has been to assist the Arab attack and impede the Jewish defence.

10. In a separate memorandum submitted to the U. N. Palestine Commission on February 2, 1948, the Jewish Agency has discussed the responsibility of the Arab Governments and the Palestine Arab Higher Committee for aggression in Palestine with a view to the forcible reversal of a United Nations Resolution in violation of the Charter and in a manner inconsistent with the Purposes and Principles of the United Nations. Since the submission of that memorandum further evidence has accumulated to prove continued aggressive initiative on the part of these Arab bodies in bringing into Palestine armed forces from outside and organizing major attacks on Jewish settlements. In the present memorandum it is proposed to discuss the two other main features of the security situation—the effects of British neutrality, and the operations of the Jewish defence forces in the face of that neutrality and of Arab aggression.

### THE EFFECTS OF NEUTRALITY

11. The anomalous effects of neutrality in an issue between aggression and defence are revealed in Sir Alexander Cadogan's statement itself. That statement rests on the false assumption that Jews resorted to military measures after the Assembly's Resolution not in order to defend themselves but "to consolidate the advantages" gained by them under the partition scheme. From that assumption the statement proceeds to reveal that in the mind of the United Kingdom Government, military operations in support or in defiance of a United Nations policy are in the same category and even become "indistinguishable." In referring to Arab attacks, the invidious word "tamely" seems to indicate that in the British view "submission" to a United Nations judgment is not an act to be expected of spirited or courageous men. Both Arabs and Jews are represented as equally wicked in that both parties fire at each other, throw grenades and recruit men for further violence. By this disingenuous method any "neutral" could have proved that the Nazis and the Allies were equally "aggressive" in the recent war, since in the course of fighting both sought equally to take the military initiative and each bombed the other's cities. Any such analysis is



deceptive, since it ignores how the violent sequence began, with whom the aggressive initiative rests at each stage, and who has a political purpose and motive in maintaining the conflict.

12. The Jews took no steps whatever to "consolidate their advantage" after the Assembly's Resolution. Their celebration of imminent independence did not include the festive use of firearms. No Jewish military action was taken or contemplated until Arab attacks developed against road convoys, Jewish quarters of mixed urban areas and isolated Jewish villages. If those Arab attacks were now to stop, peace would immediately be re-established in Palestine. The Arabs themselves, having no interest to facilitate the British posture of neutrality, openly avow their own responsibility for aggression and their determination to maintain it. Jewish military activities, however determined in execution, are part of a basically defensive design.

13. The motives which have prompted the Mandatory Power to attempt an attitude of neutrality may or may not be relevant. Its practical effects are clear. The peace and security of Palestine are adversely affected in the present and are still more seriously threatened in the future as a result of the British Government's failure to maintain law and order, and its refusal to allow a suitable preparation of adequate security forces to function when the Mandate terminates. Those who aspire to alter the Assembly's Resolution by force are powerfully encouraged by the atmosphere of tolerance and relative impunity in which they have been able to operate. They are free to send forces into Palestinian territory; to assemble them in large concentrations in central parts of the country where they assume virtual administrative control; to establish a country-wide military organization for launching a concerted attack against the Jews; to set up headquarters in the Old City of Jerusalem where the commanders and instigators of Arab aggression pass to and fro as honorable belligerents under the eyes of British military and police authorities—in brief, to make full preparations for defeating the United Nations decision. At the same time a foreign army is maintained on Palestinian soil, called the Arab Legion, whose members indulge in violence against the Jewish population. The announcement by Arab countries of their intention to invade Palestine and supply arms in support of Arab aggression is not considered by the British Government as a sufficient ground for discontinuing its deliveries of arms to those countries. On the other hand, the Jewish population of Palestine is refused permission openly and legally to organize its own defence. Its defensive efforts are crippled by searches, while its resources of arms are constantly depleted



by confiscation. Jewish citizens defending their community are detained and imprisoned. On the highways in Palestine, which cannot be traversed without danger to life, the authorities simultaneously refuse to provide armed escort and decline to allow Jewish travellers to use adequate defensive equipment. Facilities requested by the U. N. Commission itself, to enable it to prepare in time lawful agencies of security to operate after the Mandate ends, are bluntly refused.

14. All these policies and practices are directly costing human lives at this very moment; but their deeper significance lies in the conditions which they determine for the immediate future. It seems inevitable, unless preventive action is taken internationally, that at an early date there will be a full-scale Arab attack upon the United Nations decision countered by a wholehearted Jewish effort to defend that decision. The attack will be stronger and the defence weaker as a direct consequence of the Mandatory Government's policy and administrative practice.

#### ROLE OF THE MANDATORY POWER IN THE MAINTENANCE OF LAW AND ORDER

15. In the House of Commons on December 11, 1947, Mr. Creech-Jones said:

"Between now and the termination of the Mandate the British Government in Palestine will remain responsible for law and order."

It is commonly recognized that the prospect of suppressing riots and disorders depends very largely on the steps taken at their initial outbreak. A swift assertion of lawful authority can nip the evil in the bud and prevent violent movements from gathering momentum. If the first violent acts can be carried out with impunity and the targets for those attacks remain undefended, a prolongation of disorder becomes almost inevitable.

16. The first outbreaks of Arab violence took two forms. There were numerous attacks on Jewish traffic on the Jaffa-Jerusalem highway; and an Arab mob attacked a Jewish quarter of Jerusalem known as the Commercial Centre. In the ensuing weeks the Arab Higher Committee extended its efforts to maintain constant disorder both on the roads and in mixed urban areas, and lack of any strong counter-measures was to have fatal effects.



17. On February 1, 1948, the United Kingdom delegation published the following figures of casualties which had occurred in Palestine since December 1, 1947:

British .....	46 killed	135 wounded
Arabs .....	427 "	1035 "
Jews .....	381 "	725 "
Others .....	15 "	14 "

According to information at the disposal of the Jewish Agency the figures of Jewish fatalities are fairly accurate as practically all Jewish deaths are known and recorded. The actual number of Arab dead is considerably higher than that indicated since the Arabs are concerned for reasons of morale and political effect to conceal the real extent of their losses. The total loss of life is thus much higher than that indicated above.

#### SECURITY ON THE ROADS

18. On November 30, seven Jews were killed in an attack near Ramleh when travelling from Tel-Aviv to Jerusalem. During the following few days most non-Arab vehicles passing along this road were subject to attacks near Ramleh by sniping and ambush. On December 3, a senior Government official informed the Jewish Agency that police escort could not be provided for inter-urban convoys since "that might be interpreted as British implementation of partition." The suggestion of the Jewish Agency that a day curfew be imposed on Ramleh was rejected; and no attention was paid to the precedents for the imposition of several days' curfew on urban areas such as Tel-Aviv, ten times the size of Ramleh, in reaction to violence committed by dissident groups and condemned by the whole community.

19. In pursuance of this policy the Government continued for several days not only to withhold protection from travellers on the roads but to penalize those who took measures in their own defence. On December 4, a car taking Air France passengers from Tel-Aviv to Lydda was attacked near the Arab village of Yehudia. Vehicles carrying Norwegian Air Line and United States Trans-World Airline passengers were also fired upon. On December 13, a British Overseas Airways Corporation car was attacked near Lydda Airport; four of the corporation's employees were brutally murdered by Arabs. On December 25, the Government refused a request from the BOAC and TWA air companies for use of the Royal Air Force field at Attaroth near Jerusalem as a station for a shuttle service to avoid transporting air passengers by car through an area infested with Arab snipers.



20. On December 7, a Jewish convoy set out from Tel-Aviv to Jerusalem. One of the passengers was Joshua Globberman, a leading member of the Haganah. On the road the convoy was halted by a British patrol and searched for arms. When the convoy proceeded on its way, Globberman was shot through the head by two Arabs who attacked his car with rifle fire. He was unarmed because of his urgent desire to reach Jerusalem on an important mission without risk of arrest.

21. The Jewish Agency repeatedly applied to the Government for permission to use armored cars of the Jewish Settlement Police for escorting convoys on the roads. These requests were refused. On December 11, ten members of the Jewish Settlement Police while riding in an open tender to Kfar Etzion were killed by a band of eighty Arabs, armed with machine guns, south of Bethlehem. The following day the Palestine Post received letters from a Jewish police officer and the parents of the men killed protesting against the Government's refusal to allow armored cars for escort duty. The former letter addressed to the Inspector General of Police said: "At the funeral of the 10 Jews killed you did send two armored cars; one in front, the second to bring up the rear. Had you sent those two cars with the convoy, there would probably have been no funeral to escort."

22. Reviewing the situation on December 14, the correspondent of the New York Times in Jerusalem wrote: "It seems evident to observers that the British authorities are not exerting themselves particularly to protect road traffic."

23. On December 18, the Jewish Settlement Police were allowed to use their armored cars within village boundaries, but not to protect road traffic. The restriction was explained as due to the "intention not to provoke the Arabs."

24. On December 21, the Under-Secretary of State for the Colonies informed the House of Commons that the British Government did not consider that the arming of Jewish bus drivers would enhance the safety of road traffic "since the carrying of firearms by vehicle drivers does not constitute effective protection against small arms fire from ambush." In order to avoid encouraging any impression that armored cars might "constitute effective protection" in such circumstances, the Minister went on to emphasize that Jewish police were not allowed to send their armored cars outside their villages. "It was impossible," he added, "for all police on duty to travel in armored vehicles nor



could they carry out their duties effectively if they did." On January 22, a group of Jewish settlement policemen, travelling in an open tender because of this persistent ban on armored cars, were attacked by an armed band near Yazur. Seven of their number were killed and horribly mutilated. Yet on January 29, Colonel Nelson, of British military headquarters, informed representatives of Jewish settlements in the Jordan valley that they must not use armored cars outside the confines of their settlements "since it arouses the Arabs." He went on to say that if the Jews continued to use armored cars, they would be stopped by force. In January, the Executive of the Vaad Leumi (the National Council of Palestine Jews), whose public duties involve frequent journeys between Tel-Aviv and Jerusalem, improvised armored protection for their car. Upon its arrival in Tel-Aviv on January 19, the car was promptly confiscated by the British police.

25. During December 1947, Arab snipers in the Sheikh Jarrah quarter of Jerusalem continually attacked Jewish ambulances and buses on the road to the Hadassah Hospital on Mount Scopus. In such attacks one nurse was killed and two doctors and two nurses were wounded. But at a press conference on January 21, 1948, the Palestine Government spokesman said: "Armed escorts are not granted to ambulances because ordinary considerations of humanity should render them immune to attacks." The Palestine Government appeared to estimate the situation differently from Sir Alexander Cadogan who on the same date of January 21 informed the U. N. Palestine Commission that "for the Arabs the killing of Jews transcends *all* other considerations." It is noteworthy that on January 23, a tommy gun and four rifles which had been seized by Police in this same Sheikh Jarrah quarter on January 7 were reported to have been returned to their Arab owners.

26. Funeral parties escorting Jewish dead to the cemetery on the Mount of Olives are constantly fired upon from Sheikh Jarrah and the Old City where Arab gangs commanded by Sheikh Hassan Bahri control entrance and exit at the Jaffa, Damascus and Herod's Gates. At a certain stage, funerals had to be discontinued and over 20 bodies piled up in the morgues. Sheikh Bahri gave an interview on January 8 to Mr. Carter Davidson of the Associated Press who reported as follows:

"The Sheikh pointed to the Mount of Olives and asked if I had been to the cemetery where several Jewish funeral processions had been attacked by Arabs. . . . He said 'You can go with my men sometimes if you like. They often drop in to Jewish funerals these days.' "



27. The problem of the Holy Places being left in the custody of this ghoulish individual is discussed elsewhere in this memorandum. The attitude of the Mandatory Government towards him is vividly depicted in the attached photographs which show the Sheikh, during a respite from his normal activities, conducting a campaign of self-publicity under the eyes of British military and police officers.

28. It is impossible in the compass of this memorandum to detail with every instance in which Jewish traffic has been attacked with fatal results. Many of the fatalities might have been avoided and further attacks discouraged if the use of armored cars had been freely authorized and if escorts had been adequately armed as they were in 1938-9. The attacks themselves would have become less frequent if villages and quarters such as Yazur and Sheikh Jarrah had been visited by preventive action. For over a fortnight after the initial outbreak there were no acts by way of counter-offensive on the part of the Jews, not even by their dissident groups. The expectation was that strong measures would be taken by the Government. It was only in the continued absence of such measures that the Haganah proceeded to operate independently to eliminate Arab strongholds and that the dissident groups resorted to deplorable indiscriminate attacks. In the course of these operations or after their completion the British forces have often proceeded against the Jews with an efficiency and determination which were potently lacking in the face of the original violence.

#### INITIAL OUTBREAKS IN JERUSALEM

29. The attitude of the Mandatory Government to Arab violence was most strikingly revealed in the earliest days of the Arab outbreak in Jerusalem and in the border zone of Jaffa-Tel-Aviv. On December 2, an Arab mob surged through Princess Mary Avenue in Jerusalem, wrecking and gutting shops, stabbing and throwing stones. The old Jewish Commercial Centre was looted and burned. The enclosed photographs show these disorders being carried out under the eyes of British police officers. It is significant that the first act of British forces after the outbreak was to arrest a party of Haganah members who were engaged in dispersing looters, restoring order and restraining an enraged Jewish crowd from retaliation.

30. For three days early in December, Arab bands intermittently attacked the Yemin Moshe quarter of Jerusalem. Jews fired back. The Police searched the quarter, arresting twenty-seven Jews and not a single Arab.



## ADVICE ON EVACUATION

31. In the latter weeks of December, Arab violence became more constant and better organized. A determined attempt was made to destroy outlying Jewish settlements in the Negev and the Hebron area and to terrorize their inhabitants into abandoning their homes. There could, of course, be no greater spur to Arab violence than for a Jewish area to be yielded under attack. Any such evacuation would spell the success of aggression in its main objective and would replace initial Arab caution and reluctance to fight by an incentive to mass uprising. Yet the role of the Palestine Government in these circumstances has been to advise the attacked villages or quarters to evacuate.

32. Thus on December 7, the British military commander in South Palestine called in the representatives of fourteen settlements in the Negev and advised them to abandon their positions. It could not have escaped the notice of the British authorities that such evacuation would be tantamount to the surrender by the Jews of the entire Negev area assigned by the Assembly to the Jewish State. On December 23, a British military spokesman advised the Jewish Community Council to evacuate the old Commercial Centre of Jerusalem. On January 13, Arab snipers fired for several hours on the Government Hospital for Jewish Mental Patients at Bat Yam, south of Jaffa; the Government took no measures beyond intimating to Jewish authorities that the patients ought to be evacuated. A few days later the Government ordered the evacuation of the site. There have been numerous attempts by British authorities to persuade the Jews to evacuate the Old City of Jerusalem which has been inhabited by Jews for several centuries and is hallowed for the Jewish people by age-old religious and historical associations.

## SITUATION IN THE OLD CITY

33. The reluctance of the Mandatory Government to appear as an agent in the implementation of the Assembly's Resolution has resulted in its passive submission to the control by Arab gangs of the Old City of Jerusalem, including its Holy Places. The control of the Old City by the Arab Higher Committee involves violation of a religious sentiment the depth of which was so powerfully revealed during the recent session of the General Assembly.

34. Day after day Arab snipers, taking cover chiefly behind the walls of the Great Mosque, continued to fire on the Jewish quarter of the Old City. Jewish passersby at Jaffa Gate were attacked and



killed. Food convoys into the Old City were under fire. For many days after the initial outbreak no acts of retaliation occurred. The Jewish Community was waiting for a strong military and police reaction, which was not forthcoming. It was in these circumstances that a dissident Jewish terrorist group proceeded to commit bombing outrages against Arabs at Damascus and Jaffa Gates. The outrages were unreservedly condemned by the organized community. They were seized upon as an excuse by Arab bands to install their rule over the Old City to which the British authorities, to all apparent purposes, have quietly submitted.

35. By early January the Arabs had established armed "guards" at the Jaffa Gate, Damascus Gate, New Gate, Zion Gate and St. Stephen's Gate. 1500 Jews found themselves besieged within the walls, completely cut off from the world outside. Entry into and exit from the walled city were controlled by men illegally armed under a commander appointed by the Arab Higher Committee. When on January 2, the Jewish Agency Liaison Officer, Capt. Gluckmann, asked Colonel McLeod commanding the 2nd Battalion of the Highland Light Infantry for facilities to visit the Jewish quarter, the latter undertook "to obtain a pass from the Arab Higher Committee."

36. From conversations between Jewish representatives and British Officers in formal command of the Old City it has again emerged that British forces regard themselves as standing in a position of neutrality between Arabs attacking the Jewish quarters, and Jews defending themselves against attack. "So long as they shoot at each other we leave them alone" was the remark of a British officer to two foreign newspaper correspondents who visited him on January 17. Sheikh Bahri, who is the commander of the Arab "forces" in the Old City, boasted on January 8 of his success in keeping the Jews away from the historic Wailing Wall, the greatest existing Sanctuary of the Jewish faith.

37. Nothing illustrates better the moral position in which the Mandatory Power has found itself as a result of its desire to avoid implementation of the United Nations Resolution than this surrender of the Old City of Jerusalem to the most lawless and impious elements in the country. The apparent indifference of the Mandatory Power to whether force is used to attack or to defend the United Nations Resolution applies even when the policy attacked is not that of creating a Jewish State but of setting up an international regime in a city sacred to the three great faiths.



## ATTACKS ON HAGANAH

38. It is a reasonable deduction from these events that the fear of being in any way implicated in the implementation of the United Nations policy predominates in the mind of the Mandatory against its obligation to maintain law and order. The defence of Jews against Arab attack is inhibited, for the reason that it is liable to be construed as a defence of the United Nations policy against forces seeking to overthrow it. Being averse to incurring this implication, British forces are often unwilling to defend or to authorize the defence of Jews by the only measures which would render the defence effective.

39. In this situation the Jewish people in Palestine have come to recognize that only their own forces stand between them and annihilation. Faced with the Government's neutrality in the issue of their survival or extermination; fortified by the knowledge that the political objectives of their attackers are abhorrent to the conscience of the world and subversive of United Nations authority, the Jews of Palestine have assumed a responsibility which formally rests on the Mandatory Power. But for the efforts of Haganah, the defence force of the Jewish community, the world would have witnessed in Palestine a massacre of Jews by Arabs with the Mandatory Power remaining neutral and passive, or interfering only belatedly and ineffectively.

40. It is therefore singular that formal legality, so tolerantly compromised in the Old City of Jerusalem and elsewhere, is so often rigidly applied to Jewish defenders. A Haganah member defending his community against murderous attack is not only exposed to the normal hazards of battle; he may also at any moment be arrested, disarmed or even shot by British soldiers and police.

41. As already mentioned, on the very first day of the disturbances in Jerusalem, December 2, several members of the Haganah were arrested. They had intervened to restore order in the looted Commercial Centre, and to restrain their own people from angry reprisal. The enclosed photographs show them engaged in these tasks.

42. On December 4, fifteen Haganah youths, including two girls, were arrested in Julian's Way, Jerusalem, for carrying arms. On December 7, Haganah was active in defending the Hatikvah quarter of Tel-Aviv against a serious attack. Late that evening the police confiscated Sten guns, rifles and ammunition belonging to the defenders. Haganah sentries guarding the Jewish Home for the Blind situated in an isolated spot near Jerusalem were arrested on Decem-



ber 6. On December 10, five Jews were arrested while defending an outpost at Tel ar-Rish south of Tel-Aviv. On December 14, after an attack on the detached Jewish suburb of Holon near Jaffa, which had lasted all day, was beaten off, the police arrived and searched the quarter for arms; six of the defenders were arrested. On December 19, four Haganah members were arrested while escorting a convoy of the Palestine Potash Company to the Dead Sea. On December 28, Arabs attacked a Jewish children's home in the Katamon quarter of Jerusalem; police searched the quarter, arresting 10 Haganah members and not a single Arab. On the same day a large Arab band attacked a group of Jews guarding the water pipeline to the Negev near the village of Amara. Later British troops arrived and arrested all the Jewish guards, including the wounded. On January 12, 60 men from Kfar Uriah, which had been attacked by Arabs for three days, were arrested and disarmed by British police; subsequently the arms were returned. In all these, and in numerous other incidents, no attempts were made to apprehend Arabs.

43. Reviewing the situation on December 28 the Jerusalem correspondent of the New York Times wrote: "Complaints of the Jewish Agency for Palestine that police disarmed only Jews and not Arabs appeared justified today by an official statement on the fight Friday near Gaza. It said the police dispersed the Arabs and took the Jews into custody, confiscating thirty rifles, four machine guns, thirteen sub-machine guns, and more than 3,000 rounds of ammunition from the Jews."

44. The military courts still treat Jewish defence personnel as criminals if they do not go about unarmed. On January 1, a Haganah member was sentenced to five years imprisonment for carrying arms in the Salameh quarter on the outskirts of Tel-Aviv. On January 6, two Jewish girls, aged 18 and 20, were sentenced to a fine of \$1,600 or three years imprisonment for possession of arms. On January 21, two Haganah men in Jerusalem convicted by the Military Court for possessing arms, pleaded that "it would be a crime against humanity to sit idly by while murder is being done."

45. It cannot seriously be contended that Jews can afford to go unarmed in the confidence that British protection is at hand. On December 2, a journalist, Asher Lazar, was stabbed and seriously wounded a few yards from Police headquarters in Jerusalem. On January 14, a Jewish woman, aged 53, was stabbed by a group of Arabs under the very eyes of British sentries and then shot twice through the head. The correspondent of the New York Times, who witnessed



this incident, reported one of the sentries to have told him: "We saw that something was happening but we couldn't leave our posts."

46. On many occasions British action against Haganah has been of direct assistance to Arab attackers. The Sheikh Jarrah quarter of Jerusalem has already been mentioned as a nest of snipers against traffic passing to Mount Scopus. The same snipers continually attack the Jewish quarter of Nahlat Shimon. On January 21, British police confiscated all the arms in the possession of Nahlat Shimon residents. The Jewish residential suburb of Jerusalem, Talpiot, is separated from the town by Arab quarters and a stretch of open field. On January 29, British police arrested the fifteen Jews guarding the children's home at Arnona, Talpiot, and removed their arms. At the height of the Arab attack on the Jewish quarter of the Old City sixteen Jewish defenders were arraigned before a military court. A Government spokesman said that "the presence of Haganah in the Old City was not calculated to help." This despite the fact that but for Haganah the Jewish quarter of the Old City would on several occasions have been broken into with consequences too dreadful to contemplate. On January 26, British forces actually blew up a Jewish defence post in the Old City. On January 24, British troops blew up a defence post in a Jewish distillery in Mikvoh Israel, which Arab gangs had unsuccessfully attempted to blow up four days previously. On February 17, Haganah defence posts were blown up in Mekor Haim near Jerusalem. Mekor Haim has been under almost daily attack for the past three months and early in February its defenders had repulsed an attack from a strong Arab band including uniformed Iraqis.

47. Action against Jewish defence activities have even gone to the lengths of police and military killing and wounding Jewish security personnel and civilians. On December 3, a Jewish worker, Saul Levi, was shot dead by a British policeman in Tel-Aviv. While Haganah forces were defending the Hatikvah quarters on the outskirts of Tel-Aviv on the night of December 4-5 a police armored car arrived and fired on the Jews, killing three men in cold blood, including a senior Haganah officer, Jacob Shiff. Five of his colleagues were later sentenced to heavy terms of imprisonment. This incident was the subject of representations by the Chairman of the Jewish Agency Executive to the High Commissioner for Palestine on December 8. On December 9, British police, firing indiscriminately in Tel-Aviv, killed two Jewish civilians including a thirteen-year-old school girl, Zipporah Pasmanic. On December 10, Gedalia Harari was one of a Haganah party detained for questioning at the Manshiah quarter of Jaffa; on being released and proceeding down the road he was shot dead by a police officer



firing at long range. On January 8, a Jewish youth and girl, Samuel Zabary and Miriam Mindel, were shot dead by a British military patrol in Tel-Aviv. Investigations are now proceeding into the circumstances in which the editorial offices of the Palestine Post were blown up on February 1.

48. On January 25, a Haganah road patrol was attacked by a band of 200 Arabs at Quastel near Jerusalem. The Haganah party suffered ten men killed, at least four of them by British troops who fired indiscriminately at Jews and Arabs and prevented Jewish reinforcements from reaching the scene. This incident was acknowledged and regrets expressed by the British authorities.

The most terrible incident of this character occurred in Jerusalem on February 12. Haganah members were manning a road-block in an exposed part of the city (the road junction of Mea Shearim-Samuel Hanavi Streets). They were arrested by a British military patrol and taken to a police station in the heart of an Arab area. They were then let loose, unarmed, to face certain and hideous death. The nude bodies of four of these men, between the ages of 19 and 23, were found outside the Lion's Gate on the Jericho Road. It is clear that they were deliberately handed over for execution to Arab mobs. An army sergeant-major implicated in this incident is now under arrest and an investigation has been ordered by the General Officer Commanding.

49. The practice of disarming and impeding Haganah forces must be examined in the light of circumstances which make the life of the Jewish population dependent on its own defensive resources. On several occasions entire villages would have been wiped out but for Haganah defence. When Dan, Kfar Szold and Yehiam in Upper Galilee were attacked by invading forces from Syria and Lebanon on January 9, 14 and 21 respectively, British troops in the end intervened strongly to repel the invaders. But for several hours the Haganah forces had held the attackers at bay unaided. When Kfar Etzion near Hebron was heavily attacked by armed bands on January 14, twenty-four hours elapsed before British troops arrived on the scene, by which time the attackers had already suffered a crushing defeat. On February 10, a major assault was launched at 11 a. m. on the Yemin Moshe quarter in Jerusalem and resisted by Haganah; British troops went into action only at 4 p. m., after the main phase of the attack was over. On February 16, the Haganah forces successfully defended Tirat Zvi and two neighboring settlements in the Beisan Valley against a large-scale Arab attack for six hours before British troops appeared. It is easy to imagine what the fate of the Jewish settlers would have been



without the defence of Haganah whose members are so frequently disarmed and arrested by British security forces.

50. Occasions on which Jewish convoys, though frequently attacked, have been searched for arms, have already been mentioned. Their number is legion. The Government has repeatedly given assurances that these searches will be stopped. They have continued to take place. The Head of the Jewish Agency's Political Department in Jerusalem herself received an assurance from the Chief Secretary that arms searches in Jewish convoys would be discontinued. A few days later the convoy in which Mrs. Meyerson was traveling was searched for arms, and some of her escort detained.

#### BRITISH POLICY TOWARDS ARAB AGGRESSION

51. These stringent measures against Jewish defenders are accompanied by a policy of comparative leniency towards Arab attackers. The position was well summarized by an American correspondent who wrote on December 22: "While higher British policy is to treat Jews and Arabs alike, certain British police appear to be taking advantage of the disorder to settle scores marked up during the last two years. . . . The attitude of these police is to look the other way while Arabs prepare attacks against Jews, but to act promptly to arrest Jews with firearms." (New York Herald Tribune.)

52. The organization which instigates and commands Arab aggression in Palestine is the Arab Higher Committee which works through local Committees in urban and rural areas. The Higher Committee makes no secret of its role as an organization bent on killing Jews and destroying Jewish property with the aim of frustrating the United Nations decision and imposing a political settlement which was emphatically rejected by the General Assembly. The leading members of the Higher Committee in Palestine are Dr. Hussein Khalidi and Mr. Emil Ghoury who have both made public their approval of Arab violence and their intention to intensify it in the future. The identity of other ring-leaders is well known to the Mandatory Government—including Sheikh Hasan Salameh, the military commander of the Arab bands in the Lydda District, who had been in the Mufti's entourage at Berlin during the war and who was dropped on Palestine by parachute in 1944; and Sheikh Bahri who is in effective control of the entire Old City of Jerusalem. No effort whatsoever has been made by the Government to take these instigators of violence into custody or even to impede their movement: Dr. Khalidi in fact is often received in audi-



ence by the High Commissioner, and in one of these meetings he announced the intention of the Arabs to attack the U. N. Commission.

53. On January 14, when a strong Arab force launched an unprovoked attack on Kfar Etzion, the Palestine Government spokesman said: "The authorities have been in touch with *responsible Arab bodies* in an effort to achieve the immediate dispersal of these men." It later transpired that the "responsible Arab bodies" were branches of the Arab Higher Committee. The question arises whether instigators of Arab violence would enjoy this immunity if their activities were aimed against British policy instead of being directed against a United Nations resolution with which Britain is not identified.

54. The continuing infiltration of Arabs from neighboring countries with the aim of increasing violence in Palestine is well known to the Palestine Government. The information supplied by the Jewish Agency on this point in its Memorandum to the U. N. Commission on February 2, 1948, was substantially confirmed by the United Kingdom delegation in its communication to the Commission of February 6. No effective measures were taken by the British authorities to prevent this violation of Palestinian frontiers. In the House of Commons on February 4 Mr. Creech-Jones gave the impression that the infiltration had taken the Government by surprise. *Yet two days before the arrival of 700 Arab invaders in Tubas, the Jewish Agency gave warning to British Military Headquarters that a band of 700-800 armed Arabs had concentrated at Irbid in Transjordan and was preparing to cross the Jordan at Sheikh Hussein or Allenby Bridge.* Thereafter they actually did cross the river at Sheikh Hussein.

55. It is interesting to compare the laxity of the Mandatory Power in tolerating the entry into Palestinian territory of organized and well-equipped Arab gangs, with the determined, expensive and intricate measures which it adopted by land, sea and air and through diplomatic action to prevent the helpless victims of Nazi persecution, including women and children, from entering Palestine under the immigration provisions of the Mandate.

56. Not content with permitting the high command of Arab aggression to function openly, nor with tolerating the entry of foreign reinforcements to strengthen that aggression in the future, the policy and practice of the Mandatory Power has the effect also of virtually facilitating the increase of the arms and equipment which the Arabs need for their assault on the United Nations policy.



57. Some of these arms are supplied directly to Arab groups in Palestine without any assurance that they will not be used in aggressive action against the United Nations. When the Jewish Guard Force at Tel-Aviv was authorized, the Government issued no arms at all to that body, but stipulated that the Jewish Agency should issue 500 rifles of its own. On the other hand, 200 English rifles were issued to bedu sheikhs in the Negev, 360 to Arabs in Upper Galilee and 300 to the Arab National Guard at Jaffa. If this precedent is followed, any expansion of municipal police forces will be tantamount to a device for arming Arab forces which will be better equipped to attack the United Nations policy when the time comes.

58. The Arabs do not have to rely entirely on the free issuance of arms to their police forces by the British authorities. A fruitful source of arms is provided through desertions of Arab members of security forces with their weapons. According to information at the disposal of the Jewish Agency, about 375 Arabs have deserted from the Palestine police and 75 from the Transjordan Frontier Force, taking with them approximately the following quantity of arms and equipment: 550 rifles, several Bren guns, 40 other automatic weapons, 10 pistols, and over 12,000 rounds of ammunition. These desertions are still continuing, and the Mandatory Administration is scoring no notable success in preventing its arms from disappearing into the armories of Arab aggression. In December, a complete police armory was stolen by Arabs at Ramleh, containing 400 rifles and a large quantity of ammunition. The raid was executed with the help of Arab policemen.

59. As if all this arms traffic was not sufficient, the arms reserves available for Arab aggression are increased by the direct supply of military equipment to Arab States on the part of the Mandatory Power, under the terms of treaties and in fulfillment of contractual obligations.

60. The resolve of the Arab States to provide arms for an Arab revolt against Partition is clearly on record. Yet under the terms of a new treaty signed between the United Kingdom Government and the Government of Iraq on January 15, 1948, Great Britain reaffirmed its readiness to supply Iraq with arms. By Article 8 of the Annexure of that treaty "His Britannic Majesty undertakes to grant whenever they may be required by His Majesty, the King of Iraq, all possible facilities in the following matters . . . provision for the forces of His Majesty, the King of Iraq, of arms, ammunition, ships and airplanes of modern pattern such as are in current use by the forces of His Britannic Majesty on a priority which having regard to the relative needs of



each force shall treat both forces equally." It is estimated that as recently as during September and October, 1947, Iraq purchased from the United Kingdom Government 130 armored vehicles, some 90 airplanes, about 2,500 individual arms and over 2,000 non-armored vehicles. A statement of a British Foreign Office spokesman on January 13, 1948, indicated that there is no intention of changing these arrangements in the light of the new situation created by the determination of Arab Governments to use armed forces against the General Assembly's resolution. The spokesman justified British policy in this regard by invoking the validity of treaty obligations. This justification, however, fails to take account of Article 103 of the U. N. Charter which reads: "In the event of a conflict between the obligations of the members of the U. N. under the present Charter and their obligations under any other international agreement, their obligations under the present charter shall prevail." The obligations under the Charter are partly defined in Articles 1 and 2 relating to "effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression and other breaches of the peace." There is a further overriding provision already quoted, viz: "all members shall give the U. N. every assistance in any action it takes in accordance with the present Charter." (Article 2, Para. V).

61. In discussing this subject in the House of Commons on February 6, 1948, the British Minister of Defence (Mr. A. V. Alexander) stated that his Government had no reason to suppose that arms assigned to Arab States under treaties would find their way to Palestine. The official statement by seven Arab Prime Ministers on December 17, 1947, to the effect that they would supply the Palestine Arabs with arms, money and men should be sufficient to disturb Mr. Alexander's confidence in the innocent destination of British arms. On January 14, the Egyptian newspaper Al-Masri reported that "all arms being used by Iraqi volunteers in Palestine are modern weapons supplied by Britain." On January 2, Ahmed Hussein, the leader of the Egyptian volunteers for war in Palestine, stated in a letter to the press that the Egyptian Government had supplied 2,000 rifles for war in Palestine.

62. To improve their general supply position the Arabs rely on a systematic campaign of train robberies. Trains carrying heavy cargoes of foodstuffs have been held up and robbed by Arabs on the Palestine railway lines on the following occasions:

December 19.....	Haifa-Lydd
December 26.....	North of Kakun



December 30.....	near Gaza
December 30.....	near Jerusalem
January 1 - 2.....	Qalqilya-Tulkarm (Five Robberies)
January 3.....	North of Egyptian border
January 16.....	Athlit and Zikhron Yaacov
January 23.....	Near Egyptian border

Between December 1 and December 28, according to Government sources, Arab gangs made off with 340 tons of cereals, 100 tons of wood, 190 tons of cement, 15 tons of sugar, 20 tons of oranges, 100 tons of miscellaneous goods, 43 cows and 220 bags of mail.

63. None of these robberies has been resisted by the security forces. When armed guards escort these trains, they are ordered to fire *over* the heads of the robbers, and this fact is published in Government communiques, serving, in effect, as an act of reassurance to timid spirits amongst aspiring train robbers. A well-known American correspondent writes in some perplexity: "There has been a certain curious element until now in Arab train hold-ups. A train normally was guarded by one or two Arab auxiliary policemen armed with rifles. When it was halted by raiders the guards would be relieved of their arms and the Arabs would take whatever they found on the train that they needed and the matter was ended. In one recent case a train was robbed twice by two different groups within a few miles. Emil Ghoury of the Arab Higher Committee remarked recently to this correspondent that it was not robbery but blockade."\* The *reductio ad absurdum* in this lamentable affair is reached in an appeal by the Food Controller "to Jews and Arabs alike . . . to abstain from train robberies in the interest of the food situation in Palestine"!

#### ATTACKS ON JEWS BY ARAB LEGION

64. Units of the Arab Legion (which owes allegiance to the King of Transjordan) have for several years been kept in Palestinian territory under the operational command of British military headquarters. Soldiers of this Legion have constantly been involved in hostile acts against Jewish villagers and Jewish transport, and the Jewish Agency has frequently requested the British Government to remove the Arab Legion from Palestine and thus eliminate an avoidable source of danger

\* New York Times January 24.



to security in a period of grave political tension. These requests have invariably been disregarded.

65. The defence of road traffic should have been the primary task of all security forces when the Arab wave of violence began on the highways in early December. Yet on December 15, 1947, Arab Legion troops themselves attacked a Jewish supply convoy on its way from Tel-Aviv to the Children's Village at Ben Shemen. Fourteen Jews were killed. This incident marked a turning point in the development of Arab aggression in Palestine which thereafter became more determined and widespread.

66. Three days previously, a soldier of the Arab Legion on sentry duty at the 42nd General Military Hospital in Haifa, killed a Jew approaching the hospital. On February 3, 1948, the Jewish Agency received a telegram from the Jewish Community Council in Haifa expressing the sense of outrage felt by Haifa Jews at the murder that day of Jewish passengers on buses passing the Arab Legion Camp. On February 17, again at Haifa, two young Jews and a Jewess were dragged from their car and brutally murdered by Arab Legion troops. This incident is the most recent of several in which Arab troops, which are under British command, have committed murderous assaults on the Jewish population.

67. The very fact that the Legion is removed from its own territory weans it from such restraining influences as the direct political control of its Government might have exercised. British control being purely military, the Legion is free to identify itself politically with its immediate Arab environment. Its members being strangers in Palestine, they are also free from such restraints as the fear of possible Jewish retaliation against their villages might otherwise exercise. It would seem elementary that in an atmosphere of Arab-Jewish tension involving Arab attacks on Jews, the Arab Legion cannot sincerely be regarded as an impartial defender of the peace. Refusal to subscribe to this fundamental axiom has led to the retention of the Arab Legion in Palestine and now involves the British Government in responsibility for the Legion's murderous acts.

The continued presence in Palestine of Units of the Arab Legion is revolting to the sense of security of the Jews and considered as a grave menace by the Jewish Agency.

#### PROPAGANDA AND INFORMATION

68. The mandatory policy of neutrality involves the necessity of portraying the Jews as at least equally aggressive as the Arabs. On



three occasions when Jewish civilian transport was attacked by Arab Legion troops with fatal results (at Beit Nabala on December 14, at Neve Shaanan, Haifa, on February 3 and on Mount Carmel on February 17) Government communiques declared that the Jewish buses had fired first. The world was asked to believe that ordinary travellers in a Jewish bus become so exuberant or audacious at the sight of a heavily armed Arab Legion camp that they cannot resist inviting death by shooting at it. On January 20, a Jew was killed in the Old City by an Arab guard; a Government communique conjured up a picture of a Jew alone in a hostile Arab quarter provoking his own death by attacking the guard. On one occasion, when a murderous assault on a Jewish convoy passing by the Arab village of Yazur was described in an official communique as having been due to an aggressive act on the part of the Jews, the authorities after investigation admitted to the Jewish Agency that the first official version was false and that the attack had been unprovoked. On January 18, official sources reported a Zionist "punitive expedition" against three villages near Hebron. The following day the Mayor of Hebron denied any such attack on any of these villages. Official communiques after the first battle of Kfar Etzion, when the attack was beaten off before British troops arrived, placed Arab losses at 4; actually they reached well over 60 and the underestimate was of service to Arab morale which suffers severely from heavy casualties.

The Palestine Government has often condemned Jewish military activities in reprisal against Arab attacks when these reprisals have tragically involved innocent lives. Yet not one word of Governmental condemnation was forthcoming when Arabs murdered a Jewish doctor, Dr. Lehrs, in the precincts of his hospital, or when the 35 Jewish victims of an Arab ambush near Kfar Etzion were atrociously mutilated in an act so revolting to all human conscience that official silence must give rise to grave misgivings. A photograph of these mutilated bodies was published in PM on January 30.

#### ATTITUDE TOWARDS IMPLEMENTATION

69. At a meeting of Sub-Committee I of the Palestine Ad Hoc Committee of the General Assembly on November 13 the United Kingdom Representative was asked, *inter alia*, whether his Government would obstruct the following measures to be taken by the U. N. Commission during the transition period; the constitution of Provisional Councils of Government; the formation of militias in the two States; and the general work of the United Nations Commission. Sir Alexander Cadogan pledged his Government *not* to obstruct any of these measures.



On December 11, Mr. Creech-Jones, speaking in the House of Commons, expressed his anxiety to facilitate a smooth transfer of powers to the successor authorities. As recently as January 20, Lord Listowel, speaking on behalf of the British Government in the debate on Palestine in the House of Lords, said that "Britain would not obstruct any condition imposed by the United Nations."

70. The U. N. Commission is itself in the best position to know whether the Mandatory Power is offering the United Nations all aid and facilities in conformity with its own undertakings and its obligations under the Charter. There are, however, certain provisions of the implementation scheme which affect the security of the Jewish population so vitally that any failure to comply with them prejudices its welfare most gravely.

#### IMPLICATION OF REFUSAL TO ALLOW MILITIA

71. In particular, the refusal of the Mandatory Power to allow immediate preparations for the formation of a militia for the Jewish State has the effect of enhancing the prospects of Arab aggression and weakening the prospects of Jewish defence. In view of the fact that for the Arabs, as stated by the United Kingdom representative, "the killing of Jews transcends all other considerations," and that the United Nations has as yet provided no other means of preserving order in Palestine, the refusal to allow preparations for a militia ensures conditions in which the "transcendent consideration" of killing Jews shall have free scope.

72. That a government should wilfully insist on leaving a country after a period of trusteeship *with no authorized security forces in any area*, with the exception of some units of municipal police, is an unusual episode in the history of government. The refusal is all the more difficult to understand in view of the fact that the Mandatory Government is called upon for no effort or exertion in establishing new agencies of security. No derogation is suggested from the Mandatory's sole responsibility for maintaining law and order. The issue is whether a vacuum of security shall be created by the termination of the Mandate in which those concerned to defend the incoming international regime will have to improvise their defence as best they can; or whether the termination of the Mandate will find a nucleus of a properly organized and well-equipped force ready to defend law and order. The Jewish Agency hopes that the Mandatory Power will not prefer the first alternative to the second or seek to impose that preference on the United Nations.



73. Any delay in the preparatory steps for the formation of a militia is extremely perilous in the light of actual circumstances. Arab forces are pledged to wage war on the United Nations settlement. Jewish forces are preparing to meet the challenge by defending their territory and the verdict of the United Nations. The Arab forces can muster, mobilize, and arm without let or hindrance outside Palestine borders. Even within Palestine the Mandatory Power has admitted that in certain areas Arab bands exercise virtual administrative control. The Jewish forces, on the other hand, are restricted in their freedom of action inside Palestine and are blockaded by the British Navy from the outside world. It is in these circumstances that the United Nations seeks to create a balance of security by ensuring that any forces, Jewish or Arab, willing to defend the peace shall not be overwhelmed by superior aggressive force from any quarter. The request is refused by one of the original signatories of the Charter.

74. A militia cannot be created overnight. Yet the militia in the Jewish State will pass overnight on May 15 into a position of sole responsibility as far as can be foreseen, for the life of every man, woman and child within its frontiers. The supreme test of its capacity will come at once. One effect of the refusal to allow militias to be formed, is to create an absolute certainty that forces operating against the United Nations will seize their opportunity as soon as the Mandate ends. It is not in the nature of aggression to wait until defence is perfected. Peace is only secured when preparation for defence precedes and outweighs preparation for attack.

75. The Jewish Agency assumes that the British delegation has submitted detailed justifications for so singular a policy which have not been vouchsafed to the public. Any discussion here must rest on the surmise that there are considerations which a member of the United Nations can hold above the security of peoples committed to its care. The British Government may consider that the preparation of militias might involve its own forces in the consequences of increased Arab violence. The idea that a Government's sole responsibility is to itself and that the future interests of its wards count for nothing cannot be easily sustained.

#### THE IMMIGRATION PROVISION

76. The hopes of those forces which aspire to nullify the Assembly's Resolution have already been raised by the British refusal to comply with the recommendation for the evacuation of a seaport for substantial Jewish immigration by February 1. This recommendation



reflected the deep concern of the General Assembly with the urgency of the problem of Jewish immigration into Palestine—a problem whose acute character all recent reports of impartial tribunals have confirmed. Yet the solemn appeal of the Assembly, coming as it did in the wake of appeals made in the past by the President of the United States and the unanimous recommendation of the Anglo-American Committee which was appointed on the initiative of the British Government itself, has been of no avail. The British plea that the increase of Jewish refugee immigration would imperil security can hardly sound convincing when free rein is given to the incursion of Arab forces from outside. Moreover, to deny Jewish immigration on the ground that it will provoke Arab violence is to give that violence incentive and encouragement.

#### COMMISSION'S ARRIVAL IN PALESTINE

77. Refusal to allow the Commission to proceed to Palestine in due time rules out the prospect of a smooth transfer which might ensure continuity of vital services. These services are already suffering through the disintegration of the Government's authority and its impotence to retain the loyalty of Arab or Jewish staff. British representatives have themselves admitted to the Commission that the administrative machine is in process of running down and that "the situation may well get worse." Yet this frank recognition has not led to any greater readiness to give the Commission all the time, freedom and facilities required to correct a situation fraught with danger and suffering to the population.

#### CONCLUSION

78. In expressing the hope that ways may still be found of creating some harmony between the practice of the Mandatory Power and the conditions necessary for the implementation of the U. N. Resolution, the Jewish Agency relies on the statements of the British representatives themselves.

Addressing the General Assembly on November 26, 1947, Sir Alexander Cadogan said on behalf of the United Kingdom delegation:

"I can assure the General Assembly that, if the present draft resolution is adopted, my Government will loyally accept it in so far as its terms do not conflict with the conditions laid down in the Colonial Secretary's speech of 26 September 1947 and subsequent statements made by my delegation."

79. In his further remarks Sir Alexander made it plain that the condition on which the United Kingdom Government insisted was that they would not "allow their troops and administration to be used in



order to enforce" the Partition settlement. It will be noted that the Resolution of the General Assembly does not invite the United Kingdom to use its troops or administration to enforce Partition. On the contrary, it provides other measures of enforcement through a scheme for the establishment of Provisional Councils of Government and militias in the two States and through reliance on the powers of the Security Council if the situation in Palestine should constitute a threat to the peace. At a meeting of Sub-Committee I of the Ad Hoc Committee of the General Assembly on November 13 Sir Alexander said that His Government would not obstruct the specific measures envisaged by the Assembly Resolution for the transition period.

80. In its Resolution of November 29 the General Assembly

"appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations."

Apart from this specific admonition it is relevant to recall that Article 2 of the Charter reads in part:

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter."

81. In the House of Commons on December 11, 1947, the British Secretary of State for the Colonies, Mr. Creech-Jones, said:

"The decision of the Assembly is regarded by H. M. Government as the decision of a court of international opinion. This is not a grudging acceptance . . . we wish our authority transferred to our successors in an orderly manner. We can only express our hope. . . . that the greatest respect will be shown this decision of the international authority."

On December 12, the Secretary of State for Foreign Affairs, Mr. Bevin, declared:

"I am not going and H. M. Government are not going to oppose the United Nations decision. . . . There is the United Nations decision. . . . If my colleagues or I can render any assistance. . . . we shall do it."

82. In the light of its own express statement as well as its permanent obligations under the Charter, the United Kingdom Government is thus clearly bound to refrain from action which might hamper or delay the carrying out of the Assembly's recommendations. Those recommendations, which concern future action, do not exonerate the United Kingdom Government from its immediate responsibilities for the



maintenance of law and order in Palestine so long as its mandatory obligations last. Indeed, the British Government has itself insisted that it must bear that responsibility—and bear it alone—as long as the Mandate is in force. On November 13, 1947, Sir Alexander Cadogan made the following declaration to Sub-Committee I of the General Assembly's Ad Hoc Committee on Palestine:

“So long as British troops remain in any part of Palestine, they must of course maintain law and order in the areas of which they are still in occupation.”

On November 22, the British representative in the Ad Hoc Committee said:

“So long as the Mandate continues to exist, my Government insists on *undivided* control throughout the country.”

83. Quite apart from any specific obligations prescribed by international treaties, civilized governments are normally expected to secure the conditions of peaceful and orderly life. In surrendering their powers and responsibilities they may legitimately be required to ensure that their lawful successors inherit conditions in which human life can effectively be defended and vital services adequately maintained. These obligations would seem to have special force in a country like Palestine where the British Government has no sovereignty or jurisdiction except that conferred upon it by an international Mandate; and failure to ensure stable conditions for a future lawful regime would be particularly repugnant in a country such as Palestine which occupies a unique place in the reverence and spiritual concern of mankind.

84. The fact that the Mandatory Power may not approve of the plan recommended by the General Assembly would not seem to affect its duty to cooperate with the United Nations once the plan has been adopted. On November 13, 1947, sixteen days before the adoption of the Resolution on Palestine, the following exemplary observations were made in the General Assembly on another issue:

“If states are to permit themselves—and to be permitted—to cooperate with the Organization when it suits them and to stand aside, or to attempt to sabotage it when it does not, this Organization would be rendered wholly abortive. That, as a matter of fact, is a technique which is not without historical precedent and is all the more deplorable for that reason. We must not allow that technique to destroy this Organization.”

The speaker was Sir Hartley Shawcross, the delegate of the United Kingdom.



UNITED NATIONS  
Department of Public Information  
Press and Publications Office  
Lake Success, New York

CAUTION -- ADVANCE RELEASE

Press Release PM/840  
24 February 1948

TO BE HELD FOR RELEASE UNTIL DELIVERY.  
PLEASE CHECK AGAINST DELIVERY.

STATEMENT TO BE MADE BY MR. KAREL LISICKY, CHAIRMAN OF  
THE UNITED NATIONS PALESTINE COMMISSION, BEFORE THE  
SECURITY COUNCIL, 24 FEBRUARY 1948

Mr. President, Representatives of the Security Council:

The United Nations Palestine Commission over which I have the honor to preside, was set up by the General Assembly in order to implement its resolution on the Future Government of Palestine, known as the Plan of Partition with Economic Union. As an Executive organ of the Assembly created for this specific purpose, we are bound to exert our efforts strictly in conformity with the provisions of the Resolution. We have no liberty to deviate from the will of the Assembly as expressed in the resolution, nor are we free to modify its terms. We are an executive and not a policy-making body. Any political moves which may prove necessary in the course of the implementation and which are not provided for in the Assembly's resolution have to be decided by the political body under whose guidance the Resolution has put the Commission, - the Security Council. That is why I have the honor to sit now at your table.

The security aspect of the problem is not the only difficulty in the way of implementing the partition plan of the Assembly -- far from it. That aspect, however, commands all the rest. If this major obstacle may be surmounted then the other difficulties may be tackled with greater hope of success. Should this obstacle prove insuperable, indispensable prerequisites for the possible realization of the plan under present circumstances will be lacking. What use then would there be in considering other difficulties still in store?

MORE



Only fools may boast of being able to erect a building on shifting sands. No constructive work of any value can be performed in chaotic conditions of violence and lawlessness unless responsible people possess effective means of pacification, and are able to re-establish a regime of law and ensure an adequate measure of order and safety for those who would be willing to follow them. Our special report on security tries to establish and, I believe does demonstrate that in the circumstances which are now prevailing in Palestine - and still more so in those circumstances which are bound to obtain at the time when the Commission is to assume responsibility for lives and property there - the only way of implementing the plan of partition as it has been envisaged by the Assembly, consists in providing for assistance by non-Palestinian military forces available not in some symbolical form but in effective, adequate strength.

Mr. President, I have put some stress upon the words "Plan of Partition as it has been envisaged by the Assembly," since it is with the implementation of such plan that our Commission has been entrusted. It is quite natural - and legitimate - for interested parties to concentrate their efforts preponderantly - if not exclusively - on such parts of the Plan as are intended more especially for their sake. The Commission is not in such a position; its duty, according to its terms of reference, is to provide for the implementation of the whole Plan which has been conceived by the Assembly as a whole.

In fact, the Plan of the Assembly, while partitioning the present mandated territory of Palestine, entrusts the Commission with the responsibility for establishing not one but three territorial entities: an Arab state, a Jewish state, and an international territory of the City of Jerusalem. All of those partitioned territories are, however, to be linked together and to remain strongly inter-dependent through the regime of economic union, which is to provide for a unitary customs regime, a joint currency system, a common operation of railways, inter-state highways, postal, telephone and telegraphic services, ports and airports involved in international trade and commerce, and other common functions. Since the Plan has been envisaged as a whole, the realization and sound functioning of one part of the Plan has been made in a substantial degree dependent upon the establishment and functioning of its other

MORE



parts. Let us see if, for instance, with regard to that part of the Plan which concerns a ground hallowed by so many millions of mankind - the holy city of Jews, Christians and Moslems alike - Jerusalem.

The Plan of the Assembly establishes Jerusalem with Bethlehem and some other surrounding localities as a special international territory under the administration of the United Nations. This territory shall be demilitarized and declared neutral. For the protection of the Holy Places in the City, the Governor to be appointed by the Trusteeship Council, shall organize a special police force of adequate strength, the members of which should be recruited outside of Palestine. Such is the Plan. Now what is the reality?

According to an official communication from the Mandatory Power, security service in the City of Jerusalem is now provided by means of 900 British and 350 Palestinian police supported by more than a brigade of British military troops. Even with this support of strong military forces, we witness daily cases of shooting, bombing and indiscriminate killing intensifying to such an extent as to make possible the kind of outrages perpetrated two days ago in the very centre of modern Jerusalem. Nevertheless, according to the estimate of the Mandatory Power, a force of 1,000 non-Jewish, non-Arab personnel special police is considered as a minimum sufficient to cope with the preservation of law and order in the area of the City after the termination of the mandate.

The following suggestion, allegedly providing for the future safety of Jerusalem, has been heard in recent days: Let the Governor to be appointed immediately proceed without delay with the recruiting of this special police force, in order that it will be fully organized by the 15th May and able to take over security duties on the relinquishing by the Mandatory Power of its responsibilities for the safety of Jerusalem; and thus all would be right. Is it really so simple as that? Does reasoning rest on a realistic ground?

As already stated, one brigade of troops is now seconded for the maintenance of some kind of order in Jerusalem, while the whole country is still under the administration and responsibility of the Mandatory Power, disposing to this end with very strong military forces of occupation. Now,



let us suppose that - rather surprisingly - after the evacuation of Jerusalem by the Mandatory administration, accompanied by an unavoidable disruption of administrative services, troops in the strength of one brigade would no longer be necessary, and order in the city could really be maintained by the special police force alone, in a strength indicated by the Mandatory Power. Furthermore, in the view of the Mandatory Power major considerations of security are strongly opposed to the arrival of our Commission in Palestine earlier than a fortnight before the termination of the mandate. Let us suppose that those same considerations of security would not oppose the immediate arrival and activities in Jerusalem of the very representative and performer of the Plan of Partition for Jerusalem - the Governor of the City. Let us still suppose that - rather in sharp contrast with the attitude in regard to the formation of Jewish militia - the same reasons would not be opposed to the immediate recruiting of the police force by the Governor while the Mandatory regime still endures. Lastly, there are some complications in connection with recruiting volunteers from the British members of the present Palestine police force, complications about which the information from the Mandatory administration states as follows: "There are indications that a fair number of British police would volunteer, after the termination of their contracts with the present Administration, for service with such a force, but it is impossible to give a reliable estimate until further information is available as to the proposed terms of service which would be offered, and whether such service would be under British command. Most of the British Police who might be likely to volunteer would be of junior rank and rather inexperienced, and it is probable that very few volunteers of the rank of Inspector and upwards would be forthcoming." The information adds that "if there is to be any question of calling for volunteers from the British Section of the Police for service in security force in Jerusalem, they must know definitely within the next two to three weeks, otherwise there will be little or no chance of any such volunteers being available." (This information was dated as of 30th January.)

(more)



Let us suppose that these complications will also be successfully surmounted and that at the time of the termination of the mandate the Governor will have at his disposal a highly trained, competent and efficient police corps, its strength as indicated by the Mandatory, being sufficient for maintaining law and order in the City. Given a lucky realization of this entire list of favourable features would then the necessary pre-requisites be provided for enabling the international territory of the City to be established and maintained?

I deeply regret having to say "No." Look at the map. The planned City of Jerusalem will be an inland enclave surrounded on all sides by the Arab territory. That is one point. And the second: for all its necessities of life Jerusalem is dependent upon the outer world. That applies to the food supplies in the same degree as to the fuel for both generating heat for warming and cooking, and for producing electric energy for lighting and motion. That applies to the water supply as well.

A residential town, an administrative centre, and an object of pilgrimage with many shrines of three faiths, Jerusalem depends for its food upon the surrounding Arab area, deliveries from the coastal belt and shipping from overseas. The fuel, which in that country of no coal and of practically no wood, is provided by oil, is conducted by the pipeline from Iraq to Haifa, and from there is distributed across the country; thence, dependence upon the unbroken functioning of the pipeline in its sector on the territory of the Arab State and on the maintenance of traffic between Jerusalem and the coastal belt. The electric energy is partly produced in Jerusalem on the basis of oil - hence the same situation of dependency as for fuel oil generally - it is partly supplied across the Arab area from Tel Aviv. There again the energy is produced in part on the spot on the basis of oil, but in greater part is supplied from a power plant on the Jordan River south of Lake Tiberias, the plant being situated outside the territory of the Jewish State, and the current having to be transmitted across the area of the Arab State. The water supply of Jerusalem comes from wells in the coastal plain

(more)



situated inside the Jewish State, but it is brought to Jerusalem through three pumping stations (the difference of level between the coast and Jerusalem is nearly 800 metres) which are all in the area of the Arab State. All communication with the coast and outer world by railway and road goes through the Arab State. The airfield for Jerusalem - Lydda - accessible also only across the area of the Arab State is, it is true, situated in the area of the Jewish State, but on its very frontier with the Arab State, the eastern border of the airfield forming the frontier line; hence under the current circumstances this airfield cannot be counted upon after the withdrawal of British forces.

All these facts - and I apologise for having elaborated them in some detail - each separately and all jointly, force upon one who is unprejudiced an unavoidable conclusion: it would be utterly inadequate, in order to establish the special international regime for Jerusalem, to provide only for the appointment of a Governor and for the recruitment of the envisaged special police force were it even strong enough to protect the Holy places and the Governor's residence. Without free communication with the outer world and without assured supply of the primary necessities of life, Jerusalem would be doomed even with a United Nations Governor at its head. Free communication and assured supplies necessarily require an effective control over a substantial part of the area of the Arab State. Such a control can be obtained only through an efficient pacification of the area in one way or another.

The Commission is performing its primary duty in insisting on the grave danger for the Holy City, with scarcely calculable consequences if provision is not made for its safety and its very being in a really effective and satisfactory way. In a special section of our Report we have expressed our deep apprehension about the fate of the city in the coming months. I have now supplemented that chapter with some technical comments. May I be allowed to close them with a cry from my heart: "Lest we forget Jerusalem, lest we forget Jerusalem."

Taking another example, it is hardly necessary to elaborate on the impossibility of establishing the regime of economic union and running its



services without indispensable voluntary co-operation of all three territorial entities or in the absence of such co-operation, without an enforced and effective control over the recalcitrant part. All that is pretty obvious. There is, however, one accompanying feature connected with this regime which in the circumstances, as they have developed after the vote of the Resolution by the Assembly, has assumed a threatening importance. As its corollary, the regime of economic union introduces a mutual freedom of transit between all entities in partitioned Palestine. With reliance upon this freedom the respective areas of Arab and Jewish States have been shaped in a rather unusual form, which during the discussion in the Ad Hoc Committee of the Assembly inspired the distinguished representative of Pakistan to make a comparison with a "tapestry of crazy design," and more recently the honorable Representative of Iraq in the Trusteeship Council, to a reference to pictures by Pablo Picasso - without stating what period of this disputed artist's work he was alluding to. If you look at the map of the partitioned Palestine you realize that this refers to the fact that both States have been carved out in such a way that each is composed of three areas connected together through two bottlenecks, narrowing to simple points of intersection. These points were contemplated - at least in the report of the UNSCOP, as having to form a condominium of both states, and were - and that had some practical importance - placed on the existing roads. When the Report of the UNSCOP was to some extent subjected to revision by the Partition Sub-Committee of the Ad Hoc Committee of the Assembly, then on the request of the Jewish Agency motivated by the advantages deriving from it for the scheme of immigration, both points of intersection were shifted from the locations proposed by the UNSCOP and set upon spots on the map quite outside of the existing roads. The consequence of this shifting has been that now the different sectors of the Arab State - and for that matter, of the Jewish State as well - are not accessible except through the territory of the Jewish State and vice versa. In normal circumstances, as envisaged by the Plan of the Assembly, there would be no appreciable

(more)



harm in this under the regime of economic union with freedom of transit, but under the circumstances as they now have evolved, an unauthorized passage through the area of the other state degenerates to a violation of frontiers, and if effected by groups provided with arms, may be technically considered tantamount to aggression.

There is no need to elaborate upon what far-reaching consequences and what entanglements legal and otherwise may derive from such a situation in the present state of mind of the communities concerned, unless in time such developments could be by a peaceful arrangement, or by imposing an effective control by sufficient outside forces on these highly inflammable spots. In your future deliberations on our conclusions upon the necessity of providing for an international security force in order to implement the recommendation of the Assembly, this situation appears also for due consideration. No militia could provide any remedy for it; on the contrary, what is called for is to prevent exactly the clashes between two militias taking the right - as they may see it - in their hands.

In the present issue, Mr. President, there are points of principle of primary political importance and which reach far beyond the concrete <sup>now</sup> problem our Commission is struggling with. As we state it in our Report "the Commission realizes that both the future well-being of the peoples of Palestine and the authority and effectiveness of the United Nations are deeply involved." No doubt the implications from the present issue for the future of the United Nations will be duly considered. Representative of a Commission entrusted with the concrete task of implementing the Partition Resolution of the Assembly, I have, however, felt it more becoming for me to keep inside the framework given by the Resolution; in my presentation I have confined myself, therefore, to the technical aspects. Of all the policies which the Commission cannot allow itself to make use of, there is one worse than suicidal: the policy of the ostrich, consisting of not daring to look the adverse realities squarely in the face, and not having the courage

(more)



to state our findings loudly and in time.

I close by quoting the last paragraph of our report: "The Commission submits this report with a profound appreciation of its duty to the United Nations. The sole motivation of the Commission is to obtain from the Security Council that affective assistance without which it is firmly convinced it cannot discharge the great responsibilities entrusted to it by the General Assembly."

The Five Lonely Pilgrims cannot be permitted to remain lonely if their pilgrimage is to have any effect.

Mr. President, Representatives on the Security Council, on behalf of the Palestine Commission, I have the honour to submit to your deliberation and for your decision, our special report on the problem of security in Palestine.





COPY

RESTRICTED  
W/S  
8 March 1948

AHS  
NF

UNITED NATIONS PALESTINE COMMISSION

SUMMARY OF WORKING PAPER ON PALESTINIAN STERLING BALANCES

1. Palestinian sterling balances amount to about £100,000,000, half of which belong to the Palestine Currency Board.
2. The origin of the sterling balances lies in military expenditure during the war.
3. The British Treasury has blocked these sterling balances with effect from 22 February while permitting limited withdrawals and free availability of newly acquired sterling.
4. The reasons stated by the Treasury for this Order are excessive withdrawals and the danger of foreign exchange leakage. These reasons are discussed and analysed in more detail.
5. The blocking order is not likely to interfere much with normal commerce up to 15 May but it creates a state of uncertainty which may make orderly dispositions by the Commission and private traders almost impossible.
6. The Order may also reduce Palestinian dollar resources by forcing importers or the Commission to pay for imports from the sterling area with dollars.
7. It is recommended that the Commission should ask for immediate negotiations with the British Treasury, as indicated in the Treasury Order, and that the Commission should not be satisfied with small releases of sterling from number two accounts for brief periods at a time.



RESTRICTED  
v/s  
8 March 1948

#### PALESTINIAN STERLING BALANCES

I. The present Palestinian sterling balances amount to about £100,000,000, according to the statement of the British Treasury in the blocking order of 22 February.

Palestinian sterling balances are larger per head of population than any other of the foreign sterling balances now frozen in London.

II. The sterling balances may be classified as follows:

a) The assets of the Currency Board amounting to £51.6 millions on March 31, 1947 (probably a little more now since current income up to 21 February will have exceeded the slight depreciation of investments).

b) Balances and other assets of commercial banks. The latest figure for these balances was £31.9 for October 1947. The present figure is probably a little less since the general trend of bank balances has been downward.

c) Balances belonging to private firms and individuals. These must amount to about £16 millions. All the foregoing figures include Trans-Jordan assets but these are believed to represent only about 2 per cent to 3 per cent of the total.

III. These sterling balances are for the major part a direct result of the war. The assets of the Currency Board were enormously expended during the war mainly as a result of military expenditure. Similarly the sterling balances held by banks transacting business in Palestine are the direct equivalent of the increase in bank deposits due to the same cause. Sterling balances due to private firms and individuals are due to the inability of such firms and individuals to obtain replacements of capital equipment or import consumption goods during and immediately after the war. Thus, the accumulated sterling balances represent largely the results of war-time efforts by Palestine. The United Kingdom has undertaken negotiations for the scaling down of sterling balances with a number of countries, partly as a result of a commitment to do so under the Anglo-American Loan Agreement. No such negotiations have taken place regarding the Palestinian sterling balances.



In any event Palestine differs from other holders of sterling balances in that there are no government sterling assets.

IV. The position up to 22 February, (the date of the recent British Treasury Order) was that these sterling balances could freely be used for the purchase of supplies anywhere within the sterling area (to the extent that import licenses could be obtained) for the purpose of transfer to any other account within the sterling area, or by special Treasury permit for conversion into other currencies.

V. Within the limits set by the British Foreign Exchange regulations and the availability of exportable commodities in the sterling area, the Palestinian sterling balances had already been reduced in the course of the last year. On the official figures as given by the British authorities, Palestinian sterling balances have been reduced from £112 million to £100 million, a reduction of £12 million over the year. In relation to current import trade of Palestine, this is a significant reduction being equal to about 60 per cent of the value of total food imports. The new Treasury Order releases £3 million for commercial withdrawals for the period from 22 February to 15 May. This is equivalent to an annual rate of withdrawal of about £12 million. In other words, the Treasury Order permits the reduction of accumulated sterling balances for commercial purposes at roughly the same rate as during the whole of the past year. In addition, the Treasury order permits a withdrawal of £4 million — from the balances of the commercial banks. This sum, however, is presumably meant to provide some sort of working balance and is not expected to be automatically withdrawn. Since some part of the £12 million which have been withdrawn from Palestinian sterling balances during the past year are accounted for by a reduction in the balances of commercial banks, it follows that the withdrawals permitted for trading purposes under the recent Treasury order are somewhat larger than the rate of commercial withdrawals during the past year. It is, however, believed that the rate of withdrawal from Palestinian sterling balances during the months immediately preceding the Treasury Order of 22 February were heavier than over the year as a whole.



The indications thus are that the rate of withdrawal from sterling balances for commercial purposes has been calculated so as to permit the present rate of withdrawals to continue until 15 May.

VI. In addition to the permitted withdrawal (which in themselves are rather higher than the rate of withdrawals for the past year), current sterling accounts are not blocked. The sum of £3,000,000 which can be withdrawn under the recent Treasury order, will be additional to the proceeds of the sale of exports to the sterling area, or any dollars earned by exports to the United States or by gifts from the United States and used for the payment of food or other essentials inside or outside the sterling area.

VII. The mechanism of blocking the Palestine sterling balances is similar to that applied in other cases. All sterling balances standing to the credit of Palestinian individuals, firms, and institutions at the close of banking business on 21 February are automatically transferred to a so-called number two account. These number 2 accounts are automatically blocked but it is still possible to transfer money within number two accounts. Thus the blocking order does not interfere with normal business as between Palestinian residents insofar as such business involves the transfer of sterling accounts in London. Currently earned sterling, as well as the permitted sum of £3,000,000 for commercial purposes, and a working balance of £4,000,000 for commercial banking purposes, are transferred to a number one account. Number one accounts are not affected by the recent Treasury Order and are treated in exactly the same way as before the Order was made. The Treasury Order does not itself exclude the possibility of further transfer of Palestinian balances from number two accounts, especially for transactions on behalf of the Palestine Currency Board, but specific Treasury permission would have to be obtained for any such transfer.

VIII. Since Palestine and Trans-Jordan form at present one single currency area, Trans-Jordan balances have also been automatically blocked by the Order. Negotiations have already been started between the British Treasury and the Trans-Jordan Government on the release of Trans-Jordan balances from the blocking Order, but the negotiations are still proceeding.



RECEIVED  
V/8  
8 March 1948

II. Two reasons were officially given to justify the Treasury Order. First, it has been stated that in view of the recent rate of withdrawals from the Palestinian sterling balances, it was necessary to protect the balances for the benefit of the people of Palestine. Second, the impracticability or unlikelihood of effective foreign exchange control in Palestine was stated as creating a danger of leakage of currency from the sterling area. As for the first reason, it has already been mentioned that the apparent rate of withdrawals during the past year is rather smaller than the rate of withdrawals permitted until 15 May by the Order. This would seem to reduce the strength of the argument, although the possibility cannot be excluded (in the absence of sufficient data in our possession) that the rate of withdrawals has been accelerating in recent months, or that the British authorities had occasion to anticipate a specially heavy rate of withdrawals, between 22 February and 15 May. As for the second reason, it is important to remember that responsibility for foreign exchange control up to 15 May is entirely the responsibility of the present Mandatory Power.

X. To understand the position regarding the sterling balances, it is important to remember that withdrawals from sterling balances for purposes of legitimate imports into Palestine and Trans-Jordan, should be entirely governed by import licenses issued by the import controls of those two countries. Hence, it follows that the blocking order (to the extent that legitimate commercial imports are concerned) amounts to an indication that the import controls may have been too slack in more recent months. As far as imports of capital goods for the Jewish economy from the dollar area are concerned, those at present are entirely financed through the Gift Dollar Account of the Jewish Agency; purchases through the Gift Dollar Account are governed by a dual system of import licenses through the Palestine Administration and the Jewish Agency, and in any case, they do not affect sterling balances. Hence, as far as Palestine is concerned, largely in import licenses as a justification for the recent Order could only apply to the import of capital goods from the sterling area, or of such consumption goods as are not



directly imported by the Administration.

It is contended by the Jewish Agency that laxity of import controls, including laxity of permitting unessential imports from the dollar area, apply to the Trans-Jordan area rather than to Palestine itself, that Trans-Jordan has been given much more than its fair share of permitted imports, and that Palestine is now being made to pay the penalty for the absence of effective import controls in Trans-Jordan.

XI. As for the second reason, namely that there is danger of a leakage of foreign exchange, through channels other than commercial imports, this would seem to relate partly to smuggling or other illegal evasions of the import controls, partly foreign exchange smuggling or foreign exchange transactions in the free exchange markets of New York, Switzerland, Italy, Paris, Brussels, and elsewhere. There is some force in this argument. It must be

admitted that the danger of smuggling increases as the security position deteriorates, although here again the Jewish contention is that smuggling takes place mainly across the Trans-Jordan frontier. The foreign exchange position of the Mandatory Power has further deteriorated in the last few months, and the Mandatory Power has become increasingly concerned about leakages of foreign exchange, through free exchange markets, especially since the establishment of the free exchange <sup>market</sup> in Paris. It is presumably, mainly this fear of a leakage which provides the background for the recent Treasury Order. The Jewish Agency has not officially admitted that such leakages were taking place or imminent, but in fact it is reasonable to assume that such a danger existed.

XII. The blocking order shall not greatly affect the normal trade and normal financial transactions up to 15 May. The permitted rate of withdrawals, together with current accruals of currency, are not unreasonable. This is so particularly if the Jewish contention is accepted, that it was Trans-Jordan rather than Palestinian import licenses which accounted for the withdrawal from sterling balances. Some license imports may, however, be impossible to execute for lack of sterling exchange.



As for the period after 15 May the Treasury Order specifically provides for negotiations with the Palestine Commission. It is not indicated in the Order whether these negotiations would concern the Order as a whole or be confined to the sum permitted to be withdrawn after 15 May.

XIII. The more serious aspect of the blocking order is the uncertainty about the availability of finance, and in particular of sterling currency, for Palestinian traders. This uncertainty is bound to add heavily to the general uncertainties, and to that extent will make even less practicable the policy suggested by the Mandatory Power, to rely on private traders for essential imports. The abrupt unilateral manner of the announcement added to the state of uncertainty. The Order creates three dangers:

- 1) in view of the uncertainty about availability of sterling exchange, added to the present virtual non-availability of dollars from the sterling area pool to the Jewish economy, importers may be unwilling to apply for licenses, and generally to make the arrangements and set up the machinery required for private imports.
- 2) if the sterling available on number 1 accounts should not be sufficient, it may become necessary to import from the sterling area against the payment of dollars. This would reduce dollar resources available to Palestine. This is evidently a very serious matter.
- 3) the British Treasury might follow the policy of making sterling available after 15 May only in small installments and for short periods at a time. This would make impossible any proper economic dispositions on the part of the Commission. In particular, since there is bound to be a lengthy period between the procurement of commodities for import into Palestine and the date of payment, it would be impossible for the import licenses granted by the Commission, to carry an assurance for the importers (or even more so to the exporters) that it will actually be possible to bring in the goods and pay for them.



XIV. In view of these three dangers, and especially of the third, it is essential for the Commission to start negotiations with the British Treasury on releases from sterling balances after 15 May, immediately, so as to reduce the presently prevailing uncertainties. In these negotiations, it seems essential to obtain, if not free availability of Palestinian balances within the sterling area, at least specific amounts (as large as possible) set aside for at least the whole period from 15 May to 1 October, and if possible, for longer periods. The danger is, if these negotiations are started too late and too close to 15 May, that the time may be too short to obtain a general settlement covering the whole period, and that further small-scale interim releases may be made instead for short periods of another month or so immediately following on 15 May.



**COPY**

**RESTRICTED**  
**UK/58**  
**8 March 1948**

AHS  
NF

**UNITED NATIONS PALESTINE COMMISSION**

**Communication Received from United Kingdom  
Delegation Concerning Accommodations for  
Advance Party.**

**The following communication concerning accommodation arrangements  
for the advance party, has been received from Mr. Fletcher-Cocks of the  
United Kingdom Delegation.**



UNITED KINGDOM DELEGATION TO THE UNITED NATIONS  
Anglo State Building  
New York 1, N.Y.

8th March, 1948

Urgent and Confidential.

My dear Dunham:

You will remember that the other day you asked me whether I could give you any information about the arrangements made for the accommodation of the Secretariat advance party in Jerusalem. Ughardt also spoke to me about this on behalf of the Secretary-General, and I am sending him a copy of this letter.

I have now been informed that on 27th February a telegram was sent from Jerusalem to London, informing the Colonial Office that two flats were being prepared for the reception of the advance party and that food could be delivered by the Police to these flats. At the same time, it was made clear that no staff could be found to look after the Secretariat advance party. It was also pointed out that the military personnel in occupation of these flats would not be leaving until the evening of 28th February, and it was suggested that a delay in the arrival of the Secretariat advance party of at least forty-eight hours was particularly desirable.

It is understood that by the time this telegram was received in London, Auerate and Alrendy left for Paris. This information was therefore given to the other members of the party who were still in London, but they stated that they were unable to authorize any change of plan without consulting with Auerate.

The United Nations Office in London then sent a message to Paris to be communicated to Auerate, informing him

(a) that accommodation was not likely to be ready until February 29th and that it would be convenient if the party's arrival could be postponed for forty-eight hours;

(b) that no domestic staff were likely to be available.

It is, therefore, clear, I think, that the advance party were given ample warning of the difficulties with which they would be faced on arrival in Jerusalem, and in particular it was brought to their notice that no domestic staff was likely to be available.

I have now received further telegram from Jerusalem which was sent off on 6th March and which confirms that the party are cooking their own meals. The hope was expressed that Jewish women servants might start work for them on 7th March. The telegram confirmed that the party are accommodated in two flats containing seven rooms and the usual offices. The Police are providing food, but various necessities are not yet available. It is added that every effort is being made to provide staff and other requirements as soon as possible.

I feel sure that the Government of Palestine would wish me to express to the Commission their regrets for any inconvenience that may have been caused to the advance party, but at the same time I must reiterate that these difficulties were foreseen and were brought to the notice of the Commission before the party left New York and, as indicated above, further warnings were given before the party finally left London. I feel sure that the Government of Palestine will do everything possible to remedy the existing deficiencies, but conditions in Jerusalem are such that this is not altogether easy.

Yours sincerely,

(signed)

(J. Fletcher-Boake)

Dr. Ralph J. Dunham,

Principal Secretary to the United Nations  
Commission on Palestine.

United Nations, Lake Success



63  
**COPY**

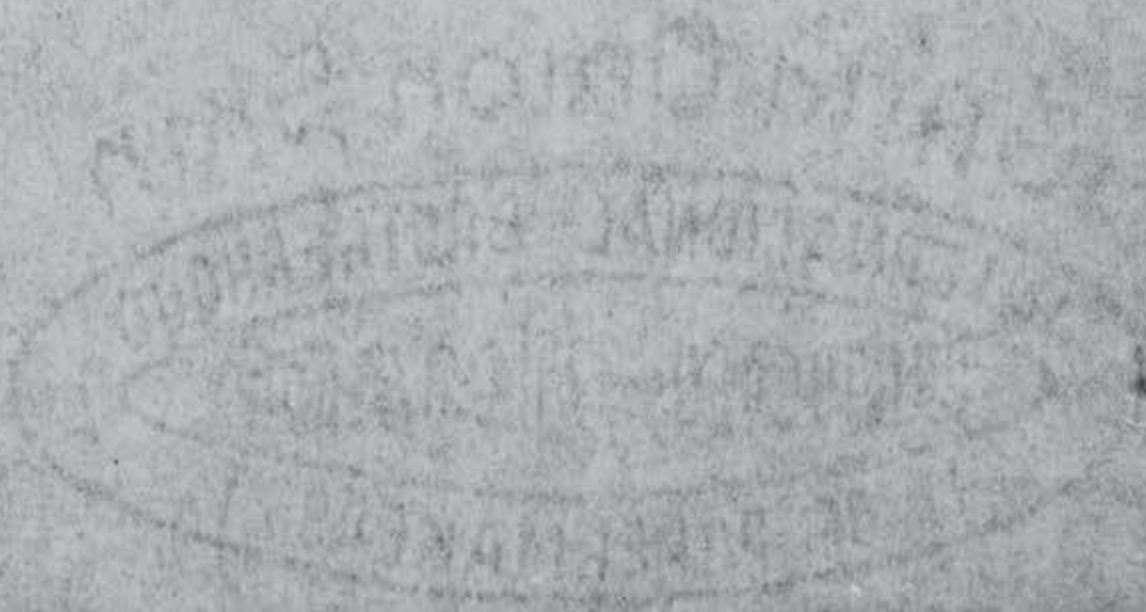
**RESTRICTED**  
**UK/60**  
**8 March 1948**

**AHS**  
**NE**

**UNITED NATIONS PALESTINE COMMISSION**

**Communication from United Kingdom Delegation  
Concerning Payments to the Supreme Moslem Council.**

The following communication, concerning the increase in annual payments to the Supreme Moslem Council, has been addressed to Mr. Federspiel by Mr. Fletcher-Cooke of the United Kingdom Delegation.





RESTRICTED  
UK/60  
8 March 1948

UNITED KINGDOM DELEGATION TO THE UNITED STATES  
Empire State Building  
New York 1, N. Y.

BY HAND

1st March, 1948

Dear Federspiel,

You will remember that when I came to see you on Friday, 20th February, you asked whether I could find out from Jerusalem the considerations which have led the Government of Palestine to agree to an increase in the annual payments made to the Supreme Moslem Council from LP20,000 to LP30,000.

I have now received the following information from Jerusalem which I hope will make this point clear.

(1) The following basis for future revisions of these annual payments was included in the agreement with the Supreme Moslem Council covering the payments now to be made to the Council:-

(a) The basis of review should be the average prices of the principal agricultural products during the twelve months prior to the revision date;

(b) in fixing any revised rates of payment, the full difference between the two average price levels in comparison should not be taken into account.

(2) It was mutually agreed that the principal agricultural products were wheat, barley, maize, olive oil and sesame.

(3) No precise agreement was reached as to the fraction to be deducted from the rise or fall of prices referred to in sub-paragraph (b) of paragraph (1) above but it was informally agreed that it should be about one-third of the difference.

(4) This deduction was agreed to in order to offset the element of gambling involved in basing a payment for seven years on the prices prevailing in one year.

(5) The revision of payments from 1942 was not made on the basis of prices prevailing in the preceding twelve months but on those prevailing in 1942. This was done for the following reasons:-

(a) On account of the five years' delay which occurred before the revision could take place, it was appreciated that production and prices had risen steeply during the period in respect of which the revised payments were to be made.

(b) Conditions during this period were quite unusual and the fact that this would be so would have been evident if the revision had been undertaken at the due date.

(c) The Government of Palestine increased the rate of Rural Property Tax fourfold during the war years.

Monsieur Per Federspiel,  
Room 608,  
Plaza Hotel,  
Fifth Avenue and 49th Street,  
New York.



RESTRICTED  
UK/60  
8 March 1948

(6) In addition, the Supreme Moslem Council adduced the following argument but its relevance in respect of the increase was not admitted by the Government of Palestine.

(d) There was a wide difference between Government-controlled prices and Black Market prices of wheat and barley which comprise between them at least 50% of the produce of the old Waqf villages.

(7) The percentage of increase in the prices of the five principal agricultural products between 1934 and 1942 were determined as follows:-

Wheat	93% (controlled price)
Barley	300% (controlled price)
Maize	600%
Sesame	244%
Olive Oil	140%

(8) The relative value to be given to the five products was not so easy to determine. The average of the Government Statistician's weighted index, derived from the three year estimated total production for Palestine and that of the Supreme Moslem Council based on their estimate of the yields of old Waqf villages, gave an estimated increase in price levels of 237%. Reduced by one-third, this gave 158% which produced an annual revised payment of LP77,400. In view of the delay in revision and other exceptional circumstances, this was increased to LP80,000.

(9) It should be noted that no interest is payable in respect of these arrears.

(10) The payment in respect of the financial year 1948/49 will be LP80,000.

(11) In 1949, a further revision will have to be considered on the basis indicated in paragraph (1) above and having regard to the prices prevailing in 1948.

Yours sincerely

(signed) (J. Fletcher-Cooke)



COPY

NFE

## UNITED NATIONS PALESTINE COMMISSION

## SUMMARY RECORD OF THE SIXTY-FIFTH MEETING

Lake Success, New York  
Saturday, 10 April 1948, at 2.00 p.m.

## Present:

Chairman:	Mr. Lislajc	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federpiel	(Denmark)
	Mr. Morgan	(Panama)
	Mr. Francisco	(Philippines)
Secretariat:	Mr. Dunche	(Secretary)

CONTINUATION OF CONSIDERATION OF DRAFT REPORT TO THE SPECIAL SESSION OF THE  
GENERAL ASSEMBLY (Informal Papers E/11 and E/11/Add.1)

The SECRETARY informed the Commission that the report would be presented to the members for their signature on Tuesday, 13 April, in the form of an "A" document. By that time the report would have already been distributed to the Members of the General Assembly. There would be no "A/AC" version of the report.

The CHAIRMAN expressed the opinion that it was logical at this stage to consider the draft submitted by Mr. Medina (Bolivia), and to consider later the chapter on economic, financial and fiscal problems. He added that Mr. Medina's draft would be incorporated in the body of the report either as an introduction or as conclusions.

Mr. MEDINA (Bolivia) suggested a compromise solution to bridge the gap between his earlier proposal that his draft should be submitted separately as the Commission's report to the General Assembly and the counter suggestion that it be incorporated in the body of the report drafted by the Secretariat. He stated that the Secretary-General had suggested to him that the precedent of his annual report to the General Assembly might be followed. This consisted of an introduction to the report which was separate from the report itself, and bore the signature of the Secretary-General and was followed by the rest of the report. Mr. Medina proposed that the same line be followed by the Commission, namely that his draft might be signed by the members of the Commission and the report prepared



by the Secretariat follow without signatures.

The SECRETARY pointed out that in the annual report submitted by the Secretary-General to the General Assembly the introduction which was prepared by the Secretary-General himself, set forth his views, and was signed by him, while the rest of his report consisted of the accounts of departmental activities. If the Commission were to follow this form, however, it might imply that the rest of its report, which would be left unsigned, would not in fact be part of the Commission's report, since the Commission was not organized on a departmental basis.

It was further remarked that if Mr. Medina's proposal were adopted and at the same time the above drawback were to be avoided, the result would be that the report would have to be signed twice and in two different places, which it was obviously not possible for the Commission to do.

The CHAIRMAN stated that the form followed by the Secretary-General did not constitute a precedent for the Commission and affirmed that the Commission would have to follow the usual method of signing its report at the end. He asked the opinion of the other members, who agreed with his views.

The Commission decided that the signature of members should be affixed only at the end of the report.

The CHAIRMAN invited Mr. Medina to submit formally his draft report and to explain its purpose.

Mr. MEDINA (Bolivia) recalled the statements he had made at the sixty-second and sixty-third meetings (documents A/AC.21/SR.62 and A/AC.21/SR.63) and pointed out that his draft constituted an enumeration of facts and opinions included in the body of the draft report prepared by the Secretariat and already approved by the Commission.

The CHAIRMAN noted that since it appeared that Mr. Medina's draft was to constitute a kind of extended summary of what would follow in the report, it should include references to the relevant chapters of the report.

Mr. MEDINA (Bolivia) agreed with the Chairman's suggestion and remarked that the only exception to this was to be found in the last paragraph of his draft.

The opinion was expressed that since all the points contained in Mr. Medina's draft were already included in the report, no useful purpose would be



served by its incorporation as an introduction. With regard to paragraph 10 of the draft, it was pointed out that the Commission was an executive and not a policy-making body. Political criticism of other bodies of the United Nations was considered inadvisable. Mr. Medina was called upon to explain the political purpose of his draft.

Mr. MEDINA (Bolivia) explained that he did not consider his draft of a political nature, as opposed to the technical parts of the report. He stressed however, the psychological impact of a brief summary of the salient points of the Commission's work at the beginning of its report. He further stressed the necessity of explaining the position in which the Commission had been placed by the resolutions of the Security Council.

This opinion was supported and it was added that the Commission should make it clear that it was not being made ridiculous. The necessity of submitting a brief over-all view of the situation, in addition to the particular aspects of that situation, was also stressed.

The CHAIRMAN suggested that, in view of Mr. Medina's explanation of the purpose of his draft, the Commission might agree to consider it as an introduction and an extended index of the report with suitable references to all points dealt with therein. Accordingly he proposed that the Commission should decide whether or not to incorporate Mr. Medina's draft as an introduction to the report, before embarking upon a detailed discussion of the draft itself.

The objections raised previously to Mr. Medina's draft as the Commission's report were withdrawn in view of these explanations.

The Commission agreed to consider Mr. Medina's draft as an introduction to the draft prepared by the Secretariat.

The Commission next proceeded to a detailed consideration of the introduction, paragraph by paragraph.

The SECRETARY proposed a number of drafting changes which were necessary in order to make certain relevant passages conform either with the text of the resolution or the text of the Commission's reports to the Security Council.

The CHAIRMAN stated, in regard to paragraph one, that he was opposed to the Commission's quoting part of the preamble of the General Assembly resolution. He pointed out that this was a matter which concerned exclusively the Security Council. He stated that the Commission's position towards the Security Council



had been provided for in that part of the General Assembly resolution which instructed the Commission to submit a monthly progress report as well as any other problem that might arise to the Security Council. He maintained that the part of the resolution that was being quoted in paragraph one might be considered as implying a criticism of the Security Council.

It was suggested that paragraph 14, Section B of Part I of the resolution be substituted.

In answer, it was observed, in the first place, that the authority of the Commission to act was based on this part of the preamble of the Assembly's resolution, and, secondly, that the difficulties with which the Commission had been faced in the fulfilment of its task mainly originated with the refusal of the Security Council to conform to the preamble.

The CHAIRMAN conceded that this might be true of sub-paragraph (a) but pointed out that sub-paragraphs (b) and (c) were quite independent of the existence of the Commission.

It was remarked that even sub-paragraph (a) was unconnected with the subject of an armed force which was raised in the draft under consideration.

The opinion was expressed that the Commission's report was a justification of its own actions as well as an exposition of its opinion, and therefore should include an explanation of the situation.

The CHAIRMAN stated that, though the Commission could submit an explanation of its own actions, it was not entitled to explain the actions of another and superior body to which the General Assembly had subordinated it.

The question was raised whether or not the Commission was subordinate to the Security Council. It was stated that the resolution of the General Assembly had placed the Commission under the guidance of the Security Council.



It was maintained that the basis of the Commission's report to the General Assembly was the attempt to alter the Assembly's resolution by force. Otherwise, the Commission would not have been submitting a report to the General Assembly.

The CHAIRMAN stated that this was a matter for the Security Council to decide. If criticism were to be noted out, it was for the General Assembly and not the Commission to do so.

A motion was made to close the discussion on whether or not part of the preamble of the Assembly's resolution should be quoted in paragraph one and to put the matter to a vote.

An amendment was submitted whereby the exact wording of the Assembly resolution stating that the Commission should act under the guidance of the Security Council and should receive from that Council such instructions as the Council might consider necessary to issue (paragraph 2 and 14, Section B of Part I) be incorporated in the first sentence.

This amendment was approved.

The CHAIRMAN asked whether there were any further comments on the paragraph as amended.

It was pointed out that the phrase "implementation of the Plan" was never used in the resolution and, therefore, if this draft were to be an index of the report, the phrase should be altered so as not to misguide the General Assembly. The phrase was altered to read "the task of implementing the measures recommended by the General Assembly."

The CHAIRMAN and Mr. PEDERSEN (Denmark) registered their opinion that the points concerning the Security Council should not be quoted in the report, since they were out of order.

The reference made by Senator Austin in the Security Council to sub-paragraphs (a), (b) and (c) under consideration was mentioned as an argument in favour of their inclusion in the report.

The CHAIRMAN pointed out that this did not concern the Commission in any way.

It was answered that this had been the chief problem before the Commission.



On the other hand, it was observed that the Commission had already discussed this matter during the preparation of its special report to the Security Council and had decided not to include these points. This report had been signed by the members of the Commission.

The CHAIRMAN, making use of his privilege as a member of the Commission, and not as its Chairman, stated that he would put the paragraph to the vote sentence by sentence. The reason for proceeding in this fashion, he stated, was that while he could vote for the first sentence as amended he would find himself unable to vote for the rest. He added that, though it was a quotation of the resolution, he considered it to be wrong in this context as it might create unpleasant relations between the Commission and the Security Council.

The first sentence of paragraph one, as amended, was accepted unanimously.

The second sentence of paragraph one was adopted by a majority vote.

Mr. FEDERSPIEL (Denmark) reserved his right to make a statement against the inclusion of the second sentence when the Commission, at a later stage, would vote on the introduction as a whole.

Mr. MORGAN (Panama) reserved the right to make a statement in favour.

The CHAIRMAN repeated his reasons for voting against the inclusion of these points in the Commission's report.

Paragraph two was approved after minor drafting changes had been agreed upon.

In paragraph three, it was suggested that the word "instead", at the beginning of the second sentence, be deleted. In answer to this, it was stated that the word was necessary to show that the Security Council had not done what had been asked. It was remarked that the Security Council had not accepted explicitly the request set forth in the preamble of the General Assembly resolution. A more categorical statement concerning the action of the Security Council was proposed.

The SECRETARY pointed out that such a categorical statement was legally debatable.

The CHAIRMAN objected to the word "however", in the first sentence, as being of a polemic nature.



The SECRETARY pointed out that the use of the word "instead" implied that the Security Council was not free any more to give guidance to the Commission. This, he submitted, was not correct.

It was maintained that it followed logically, that if the Security Council had not done one thing, it had done another "instead". If this word were to be deleted, an explanation of the action of the Security Council should be included. The Commission agreed with this suggestion. It was pointed out that the issue as regards the Security Council was closed and it was now a question of the Commission's responsibility toward the General Assembly.

Paragraph three was approved after minor drafting changes had been agreed upon.

Paragraph four was approved after a few drafting changes had been agreed upon.

Paragraph five was approved after the last sentence had been deleted and minor drafting changes agreed upon.

Paragraphs six and seven were merged into one paragraph and reworded extensively. In the discussion of the two above paragraphs, it was decided to explain the policy of the Mandatory Power and then enumerate its effects without expressing a further opinion. With regard to paragraph seven, which stressed deliberate efforts by Arab interest to alter the General Assembly resolution by force, disagreement was expressed, since it implied criticism by the Commission of member states of the United Nations. In answer to this objection, it was pointed out that the draft mentioned interests and not states, and it was maintained that it was the Commission's duty to point out the guilty party. On the other hand, it was asserted that the Commission had no proof to support this statement that Arab opposition was the dominant factor in the situation. It was further suggested that the last sentence of paragraph seven be deleted. ~~It was~~ It was agreed that the two paragraphs merged into one be reworded along the lines of the Commission's special report to the Security Council.



Accordingly, the new paragraph six was redrafted as follows: The first sentence of paragraph six, with minor drafting changes, became the opening sentence of the new paragraph. A new sentence was inserted here reading as follows: "The general policy of the Mandatory Power has been not to take any measures which might be construed as involving it in the implementation of the Assembly's resolution". The phrase "refused to participate in any way in the implementation of the Plan" in the second sentence, was deleted and, in its place, the following phrase was inserted "insisted on retaining undivided control of Palestine until the termination of the Mandate". The phrase "on 15 May... all at once", also in the second sentence was deleted. The phrase "defeating the purposes of the United Nations in Palestine and nullifying the resolution of the Assembly", in the third sentence, was replaced by the phrase "defeating the purposes of the resolution of the General Assembly". In the fourth sentence, the word "infiltration" was substituted for the word "incursions". It was agreed to insert here the following quotation from the Commission's special report to the Security Council: "Powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein". In the fifth sentence, the phrase "the apparent inability of the Mandatory Power, intend on withdrawing, to contain the conflict" was replaced by the phrase "and the fact that the Mandatory Power, engaged in the liquidation of its administration and the evacuation of its troops, has found it impossible fully to contain the conflict". The entire paragraph seven was deleted.

The new paragraph six, thus amended, and a few other minor drafting changes, was approved.

Mr. PEDERSEPIEL (Denmark) stated that he reserved his position regarding all the points in the new paragraph six, since he considered that they dealt with matters which were the concern of the Security Council and not of the Commission.

Paragraph eight was deleted.

Paragraph nine was approved after the following new sentence had



been inserted at the end of the paragraph: "In the view of the Commission, the dominant fact is, however, that in the absence of forces adequate to restore and maintain law and order in Palestine following the termination of the Mandate, there will be administrative chaos, starvation, widespread strife, violence and bloodshed in Palestine."

As regards paragraph ten, it was suggested that this paragraph be deleted on the ground that it was up to the General Assembly and not the Commission to determine the binding force of the Assembly's resolution.

The CHAIRMAN suggested that the paragraph be reworded along the lines of the Commission's special report to the Security Council.

It was pointed out that both the original wording and the wording of the special report, in its present context, would be placing the Commission in the position of taking issue with the representatives of the Arab States in the General Assembly. It was further remarked that the inclusion of the passage from the special report at this point would revive a controversial issue which at that time might have been solved by the Security Council's action, but which was now out of its hands.

The CHAIRMAN registered his objection to paragraph ten as constituting the expression of a political opinion which placed the blame on the one side as the aggressor. This, he maintained, was outside the Commission's jurisdiction.

It was remarked that since the Commission had been prepared to submit its opinion on the matter to the Security Council, there was no reason to withhold it from the General Assembly.

The CHAIRMAN suggested that since paragraph ten of the introduction did not correspond to any part of the report, it should be included, if at all, in the body of the report, and specifically, in the part dealing with security.

It was stated, in answer to this suggestion, that paragraph ten of the introduction corresponded to the conclusions, and, if this were not sufficient, it was suggested that an elaboration of the idea expressed in paragraph ten should be inserted in the conclusions of the report.



The CHAIRMAN pointed out that an elaboration of this idea would only involve the Commission in the fight that would develop in the General Assembly.

The Commission agreed to include the idea expressed in paragraph ten as paragraph two of the Section dealing with security. It was agreed to follow the wording of the special report and to preface this quotation by the following sentences: "The special report (S/676) was presented to the Security Council on 16 February. In the conclusion to this report, the Commission set forth the following views, which it now reaffirms."

Accordingly, it was agreed to delete paragraph ten.

The Commission agreed to consider the draft of Mr. Medina's report, in its amended form, as an introduction to its report to the General Assembly.

Mr. MIKE MORGAN (Panama) submitted the following paragraph for inclusion at the end of the introduction: "The Commission, in presenting to the General Assembly this report regarding the activities undertaken up to date and the conclusions which are derived from them takes the liberty of placing the greatest emphasis on a fact that cannot be concealed: partition is being consummated in Palestine in the realm of facts and has already gone too far, as a reality, to be halted. This is deduced from the information which the Commission has received from the Advance Party in Palestine and is confirmed, among other things, by the fact that the Mandatory Power itself is transferring its authority to the local bodies in both the Jewish and Arab areas in Palestine."

It was stated with regard to the proposed new paragraph that the Commission could not stress this very controversial point in its report to the General Assembly as it might be harming its own position. Furthermore, it was pointed out, ~~xxxx~~ that the matter referred to in the proposed new paragraph was already dealt with in Section 2 of Chapter III of the draft of the report.

Mr. MORGAN (Panama) insisted that this proposal be recorded and called for a vote on his amendment. The proposal was defeated.



CHAPTER IV: THE WORK OF THE COMMISSION: ECONOMIC,  
FINANCIAL AND FISCAL PROBLEMS

With a view to saving time, the Commission decided in principle to indicate the points in the chapter at which it wished the text to be shortened or otherwise altered, and leave the actual rewording and numbering of sections and paragraphs to the Secretariat.

Section 1: Steps Toward the Economic Union

The first four paragraphs were approved unchanged. In the fifth paragraph, the first, fifth and sixth sentences were deleted; and in the fourth sentence, the number of qualified economists approached by the Commission was changed from seven to ten.

Section 2: Palestine Government Assets

In the first paragraph, the phrase "and such an inventory has not yet been presented to the Commission," in the second sentence, was deleted. The last three sentences were deleted and replaced by the following sentence: "Preliminary consultations with the Mandatory Power have taken place in pursuance of Part I, E, 2 of the Plan."

Paragraph two was approved with minor drafting changes.

Paragraph three was approved unchanged.

Paragraph four was approved, after the deletion of the phrase "as requested.....(Government of Palestine)," in the first ~~xxxx~~ sentence, and the deletion of the third sentence.

Section 3: General Continuity of Essential Economic Services

This section was approved after the deletion of the second sentence.

Section 4: Food Supply

This section was approved after the deletion of the thirteenth sentence in the first paragraph, of the second and fifth sentences in the fifth paragraph, of the fourth sentence in the seventh paragraph, and a few drafting changes.

Section 5: Sterling Balances and Foreign Exchange Problems

The following deletions were agreed upon: the phrase "and by special.....hard currencies," in the second sentence of the first



paragraph; the phrase "as in the case of Canadian wheat," in the third sentence of the first paragraph; the phrase "foreign exchange context of the Commission's work", in the first sentence of the second paragraph; the phrase "even though... ..in London", in the first sentence of the third paragraph; the phrase "but the Commission.....recriminations", in the second sentence of the third paragraph; the last two sentences of the third paragraph; the last two sentences of the fourth paragraph; and the third sentence of the sixth paragraph. It was further agreed to add the following sentence at the end of the second paragraph: "As for the period after 15 May, the Treasury Order indicated the intention of the United Kingdom Government to negotiate with the Commission." The section, thus amended, was approved with a few drafting changes.

Section 6: The Palestine Currency Board

The following deletions were agreed upon: the phrase "Mainly as a result.....pounds sterling," in the fourth sentence of the second paragraph; the fifth and sixth sentences of the sixth paragraph; and the last three paragraphs. Further, it was agreed to replace the phrase "Nevertheless the Commission....consider that," in the fourth sentence of the sixth paragraph by the following: "The Commission cannot accept the view expressed in the communication of the Government of the United Kingdom of 5 April, that". It was also decided to substitute the phrase "successor authority" for the word "Commission" in the last sentence of the sixth paragraph. Thus amended, the section was approved with a few drafting changes.

Section 7: Fiscal Problems

In paragraph one, the third sentence was rewritten as follows: "Expenditure, as budgeted by the present Palestine Administration, exceeds revenue by LP 2.8 million for the period April 1947 to January 1948 inclusive". In the fourth sentence, the word "excess" was corrected to "deficit". The sixth sentence was reworded as follows: "Considerable other extraordinary claims are pending, as, for instance, in respect of abolition benefits to civil servants." The word "dissipation" in the last sentence was changed to "disposal".



In sub-paragraph (a) of paragraph two, the phrase "and tries to throw responsibility of prior financing on the Commission" was reworded as follows: "and leaves responsibility of initial financing to the Commission, in addition to the responsibility for reimbursement which the Commission has accepted."

In sub-paragraph (b) of paragraph two, the word "will" in the first sentence was changed to "may."

In sub-paragraph (c) of paragraph two, the last sentence was reworded as follows: "Hence, even the current revenue after the termination of the Mandate will almost certainly be insufficient to provide for current governmental activities".

In paragraph three, the second sentence was deleted. The last sentence was reworded as follows: "The Commission has left the Mandatory Power in no doubt, either on this point or with regard to the fact that it should have been consulted in accordance with Part I, E, 2 of the resolution."

Paragraphs four and five were deleted.

Paragraph six was approved unchanged.

The remaining five paragraphs were deleted.

Thus amended, the section was approved with a few drafting changes.

#### Section 8: Transport and Communications

The last sentence of the second paragraph and the whole of the fourth paragraph were deleted. The section was approved with a few drafting changes.

#### APPROVAL OF THE REPORT TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY

The CHAIRMAN briefly reviewed the draft report and in particular the introduction, and invited the Members to give their formal approval to it.

The reservations and objections which had been made by some members to certain parts of the introduction were withdrawn.

The report to the Second Special Session of the General Assembly as a whole was approved unanimously.

The meeting rose at 11.25 p.m.



COPY

A/AC.21/SR. 64  
20 April 1948

AHS  
RF

UNITED NATIONS PALESTINE COMMISSION  
SUMMARY RECORD OF THE SIXTY-FOURTH MEETING  
Lake Success, New York  
Friday 9 April 1948, at 12:00 noon

Present:

Chairman:	Mr. LISICKY	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federapiel	(Denmark)
	Mr. Morgan	(Panama)
	Mr. Francisco	(Philippines)
Secretariat:	Mr. Bunch	(Secretary)

COMMUNICATIONS TO THE COMMISSION

The SECRETARY read for the information of the Commission two cablegrams which had been received from Mr. Ascarate (Deputy Principal Secretary)

The first of these concerned the question of accommodation for the Commission in Palestine, stating that Mr. Ascarate's investigation of the question led him to the conclusion that only the King David Hotel would be suitable for both lodgings and offices, but that the hotel might not be available before 15 May.

The cable also contained information concerning the Commission's statement circularized in Palestine regarding re-employment of civil servants. It stated that to date affirmative replies had been received from 560 Jews, 3 British, and 4 others. No affirmative reply had been received from any Arab.

The second cable concerned the question of hospitals. It stated that representatives of the Red Cross were anxious to know whether the United Nations would agree to proceed with the making of financial arrangements respecting the maintenance of hospitals after 15 May.

CONSIDERATION OF URGENT OUTSTANDING MATTERS WITH THE UNITED KINGDOM GOVERNMENT  
(Informal Paper UK/95)

The SECRETARY informed the Commission that he had received a telephone call from Mr. Fletcher-Cooke (United Kingdom) who advised him that he had received from London a list of the outstanding matters which the United Kingdom Government were desirous of taking up with the Commission. The Secretary had asked Mr. Fletcher-Cooke to forward the list to the Commission, stating that the Commission would examine the list and would determine whether it would take action on the matters in question or whether it would refer them to the General Assembly for its consideration. He added that he had taken the opportunity to inform Mr. Fletcher-Cooke also that a letter regarding the outstanding matters which the Commission would wish to take up with the United Kingdom Government was being sent.

Consideration was then given to the draft letter to Mr. Fletcher-Cooke (Informal Paper UK/95) concerning urgent outstanding matters with the Mandatory Power (Informal Paper UK/95). The letter was approved.

At this point, the Commission took a recess of forty-five minutes for lunch, and resumed its meeting at 2:45 p.m.

CONTINUATION OF CONSIDERATION OF FIRST DRAFT OF THE REPORT TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY (Informal Papers R/11 and R/11/Add.1)

Chapter III: The Work of the Commission: Consultations, Administrative and Security Problems

It was agreed to change the title of this chapter to "The Work of the Commission - Part One: Security and Administrative Problems". It was further agreed that the section dealing with the Security Problem be considered and placed in the report before the section on Administrative problems.



Section 1: Procedure

After it had been stated that the Commission did not dispute the right of the Mandatory Power to retain undivided authority in Palestine until the termination of the Mandate, it was agreed to substitute the phrase "even for any preparatory work" for the phrase "for any purpose".

Section 2: Advance Party

It was suggested that the Commission should make clear to the General Assembly what was meant by the phrase "de facto partition" in the last sentence in order to avoid the possibility of the Assembly's coming to the conclusion that all it would have to do would be to endorse such a situation. It was stated that the phrase "de facto partition" as used in the draft had no connection with the partition plan set forth in the resolution of the General Assembly. It was proposed that an elaboration of this point be made in order to clarify its meaning. Another amendment along these lines was put forward but it was suggested that it should be included in the introduction to the report.

The SECRETARY then submitted an amended text of the last sentence along the proposed lines. The proposed amendment was as follows: "The reports have stressed that in fact, though on a de facto basis and without reference to the Plan of Partition, partition has already advanced very far in Palestine, as a result of the decentralization of authority and the division of the population into two distinct communities". This amendment was approved and the section, as thus amended and with a few other drafting changes, was accepted.

Section 3: The Security Problem

The first two paragraphs were approved unchanged. As regards paragraphs three, four and five, it was agreed, firstly, not to reproduce the Special Security Report as an Annex to the present report; secondly, to quote and re-affirm the conclusions of the Commission's Special Security Report; and, thirdly, to bring up to date the casualty list given in the above-mentioned report and to insert it as a footnote.

The remaining five paragraphs were approved with minor drafting changes. The SECRETARY, however, was authorized to re-write the second sentence of the last paragraph taking into consideration the view of the Commission that the report should make clear that the arrangements for the preservation of security in Jerusalem provided for in the Assembly resolution would be insufficient under the present circumstances.

CONSIDERATION OF IMMEDIATE DISCUSSION ON THE POLITICAL ASPECTS OF THE REPORT

At this point it was suggested that the Commission consider the section dealing with administrative problems and the chapter on economic, financial, and fiscal problems, as read and approved, and proceed immediately with the consideration of the political aspects of the report as expressed in the Conclusions and in the draft report submitted by Mr. Medina (Bolivia). In support of this suggestion it was maintained that the above-mentioned problems were factual and not controversial and that the draft prepared by the Secretariat could be accepted without detailed consideration by the Commission.

In answer to this suggestion, it was pointed out that if the Commission were to postpone consideration of the technical questions listed in the report and discuss only controversial matters upon which it would be difficult to reach unanimous agreement the Secretariat would be unable to complete and reproduce the report in the short time remaining.

The SECRETARY inquired whether the Commission intended to give the report a second reading. It was agreed that the present reading would be considered as final and that the Secretariat would make such drafting changes as would be necessary after the report, as a whole, had been approved by the Commission.

The CHAIRMAN expressed the opinion that the Commission could not approve forty pages of the report without at least having read them. If for no other reasons, the Commission would have to consider the administrative and economic sections of the report in order to shorten and balance them with the other



sections. There was no reason to consider the political part of the report more important than the economic or administrative sections.

The CHAIRMAN put the matter to the Commission which decided to continue consideration of the report in its logical sequence.

CONSIDERATION OF THE FUTURE WORK OF THE COMMISSION WITH REGARD TO THE PROVISIONAL COUNCIL OF GOVERNMENT FOR THE PROPOSED JEWISH STATE

Before the Commission began its consideration of Sub-Section (a), of Section A of Chapter III, dealing with the Provisional Councils of Government (Document R/11/Add.1), the CHAIRMAN informed the Commission that he wished to make a statement concerning the urgent matter of the Provisional Council of Government for the Jewish State. He pointed out to the Commission that this matter was still outstanding and that the Commission had agreed on the procedure to be followed (document A/AC.21/SR.59). He stated that, in his opinion, the work of the Commission on this matter should not be discontinued or longer delayed but that it should be promptly taken to its logical conclusion. He suggested that the Commission should now discuss the memorandum on the Provisional Council prepared by the Secretariat (document A/AC.21/SR.59), which had been based on the suggestions of Mr. Morgan (Panama), and then proceed to the conclusion of the report under consideration.

The SECRETARY expressed the opinion that the Commission should consider the question of priority of matters to be brought to its consideration. He asked the Commission when it wished to have the projected special report to the Security Council, concerning the food situation in Palestine, placed on its agenda. He further informed the Commission that the Secretariat would have the draft of the report ready by Monday and that the report should be in the hands of the Security Council before Friday, that is, before the General Assembly began its work. He reminded the Commission that he had been asked to communicate with Mr. Azcarate (Deputy Principal Secretary) concerning the consultations with the Ihud Association, and then read to the Commission the answer which he had received from Mr. Azcarate on the subject, in which Mr. Azcarate had expressed some doubt as to the advisability of proceeding with the consultations at this time. Although he had directed Mr. Azcarate to use his discretion in regard to the negotiations with the Ihud Association, he pointed out that the Commission would have to decide what further instructions were to be transmitted to Mr. Azcarate.

With regard to the question of the postponement of the hearing of the representatives of Agudath Israel, it was decided that the Secretary inform them to keep themselves in readiness to appear before the Commission during the following week.

The SECRETARY informed the Commission that on the preceding day he had asked the Secretary-General for his views with regard to proceeding with the matter of the Provisional Council of Government for the Jewish State. The Secretary-General had expressed the opinion that it might be advisable to await the final outcome of the truce negotiations, which would involve a delay of only a day or two.

The opinion was expressed that the steps to be taken by the Commission in this matter could not in any way prejudice the decision which the General Assembly might take on the future government of Palestine, and that, in any case, the failure of the truce negotiations was a foregone conclusion.

The SECRETARY pointed out to the Commission that steps would have to be taken to settle the outstanding matters and that it was a question of deciding which of these would have priority of consideration.

The CHAIRMAN noted that it was possible to take up both matters simultaneously and proposed that the Commission decide immediately when it should hear the representatives of Agudath Israel.

The SECRETARY reminded the Commission that the consideration of Mr. Morgan's memorandum concerning the composition of the Provisional Council of Government for the proposed Jewish State had been postponed pending the submission of similar memoranda by the other members of the Commission. This, he pointed out, had not as yet been done.



The CHAIRMAN observed that the members who had not already submitted their memoranda could express their opinion on this matter in the form of amendments to Mr. Morgan's memorandum when it came up for consideration. He summarized the problem before the Commission as follows: There were two courses of action open to the Commission, either to take the matters up simultaneously or to give priority to the Commission's special report to the Security Council concerning the food situation in Palestine.

The opinion was expressed that the two resolutions adopted by the Security Council had altered the Commission's position in respect to the selection and establishment of the Provisional Council of Government. The Commission should not proceed along these lines before it was sure of the legality of its action. In support of this argument, it was pointed out that the problem of the future government of Palestine had now been placed in the hands of the General Assembly. Since, according to Article 12 of the Charter, the General Assembly could be prevented from discussing any subject on the Security Council's agenda, this rule would apply equally to a subsidiary organ of the General Assembly, such as the Palestine Commission. The question arose as to whether or not the matter of the Provisional Council of Government was in the hands of the Security Council, and the Legal Adviser of the Palestine Commission Secretariat was requested to submit a paper clarifying the legal position.

The CHAIRMAN remarked that it was the practice of the Commission to base its work on the working papers of the Secretariat, as in the case of the question raised by Mr. Morgan concerning the share of Jerusalem in the public debt. Therefore, since the Commission was unable to decide on the substance of the matter pending the preparation of the requested legal paper, it should decide on principle whether to undertake the matters simultaneously or to give priority to the question of food.

Although it was conceded that food was more important, it was pointed out that the report to the Security Council did not mean the solution of the problem. There would be further discussion with little or no results. It was submitted that since the Secretariat had prepared a draft report for the Security Council, this matter could be disposed of rapidly and then the Commission could proceed with its task concerning the Provisional Council of Government for the proposed Jewish State. This, it was maintained, was of the utmost importance in order to save the Commission from grave responsibility in case the General Assembly should decide to stand by its previous resolution. In such a case, if the Commission had done nothing, it would find itself in a very difficult position when called upon to answer for its actions by the General Assembly, whereas the decisions of the Security Council had until now proved meaningless.

It was remarked, in answer to this statement, that the granting of priority to the report did not in any way imply a negative decision concerning the Provisional Council of Government for the proposed Jewish State.

It was suggested that the Commission meet on Monday at noon to adopt a draft of the special report to the Security Council and then pass immediately to the consideration of the Provisional Council of Government for the proposed Jewish State.

The CHAIRMAN pointed out that before any final decision could be taken concerning the Provisional Council of Government, the Commission would have to complete its consultations with the two remaining organizations, namely Agudath Israel and the Ihud Association.

In answer to the statement that since the Commission had asked the Secretariat for a legal opinion on the matter, ~~that~~ it should not proceed further before having received this opinion, the CHAIRMAN stated that the Commission should continue its preparatory work while waiting for the legal opinion.

The objection to the hearings of the above-mentioned organizations by the Commission was withdrawn on the understanding that no steps be undertaken for the selection and establishment of the Provisional Council of Government in the proposed Jewish State before a favourable legal opinion had been received. The Commission accepted this view and agreed, on the one hand, to instruct Mr. Amaraté (Deputy Principal Secretary) to consult with the



Jud Association, and, on the other, to hear the representatives of Agudath Israel on Tuesday of the following week.

The Commission decided to hold its next meeting on Tuesday, 13 April.

The SECRETARY appealed to the Commission to make every effort to meet its deadline for the submission of its report to the General Assembly.

The CHAIRMAN promised that every effort would be made and the Commission resumed its consideration of the first draft of the report.

CONTINUATION OF CONSIDERATION OF DRAFT REPORT TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY (Informal Papers R/11 and R/11/Add.1)

Section 4: Administrative Problems

Sub-Section (a): Provisional Council of Government

Paragraph (2) was approved with a few drafting changes. It was agreed to delete paragraph (ii). As regards paragraph (iii) it was agreed to incorporate the second sentence in paragraph (i) and to delete the first sentence.

Paragraph (iv), now re-numbered paragraph (ii) was approved unchanged, with the exception of the phrase "on the understanding...termination of the Mandate," at the end of the paragraph, which was deleted.

With regard to paragraph (v), it was suggested that the last sentence, reading "In pursuance of...Jewish State", be deleted on the ground that the Commission should not state its position on the matter of the Provisional Council of Government for the Jewish State before it had received a legal opinion on the matter. The CHAIRMAN stated that since it was a question of preparatory work, this could not be considered as being against the provisions of the Charter. Furthermore, it was pointed out that the action of the Commission in this respect could not be considered illegal as it simply constituted the implementation of the General Assembly resolution, which was still in force. It was stated that only the General Assembly could invalidate such action on the part of the Commission. The SECRETARY pointed out that the tense used in the draft would project the action of the Commission into the future and even after the General Assembly had taken up the matter. He therefore proposed to alter it to "has continued". The sentence was amended to read as follows: "In pursuance of its decision, the Commission has continued preparatory work in this matter". The paragraph, thus amended, was approved.

Sub-Section (b): Armed Militia

The first three paragraphs were approved with minor drafting changes. It was agreed to delete paragraph (iv), but Mr. Morgan (Panama) registered a dissenting opinion with regard to its deletion.

At this point, the Commission took a recess of thirty minutes, and resumed its meeting at 5.45 p.m.

Sub-Section (c): The Palestine Police Force

The title of sub-section (c) was changed into "Palestine Forces".

Paragraph (i) was approved after the first three sentences of the quotation from the Mandatory Power's statement of 30 January 1948 included in the paragraph had been deleted.

Paragraph (ii) was approved after the third sentence had been re-written as follows: "In view of the inability of the Commission to proceed to Palestine prior to 1 May 1948, and owing to the impossibility of making effective arrangements for safeguarding the arms, stores, and equipment of the Police Force, the Commission has been unable to conclude any arrangements for taking over the assets of the Palestine Police Force".

Paragraph (iii) was approved after the word "areas" in the first sentence had been altered to "localities".



Paragraph (iv) was approved after it was agreed to add the following at the end of the paragraph: "Although the Mandatory Power has suggested that the Commission on its arrival in Palestine, might consider using as its headquarters the former Royal Air Force Station at Agir (near Rehovoth in the Jewish State but close to Ramleh in the Arab State), the Commission was subsequently advised that it would need to provide its own guards and, in the opinion of the General Officer Commanding, that not less than a battalion would be required to afford adequate protection."

Paragraphs (v) and (vi) were merged into one paragraph after the last two sentences of paragraph (v) had been deleted. The new paragraph (v) was approved after minor drafting changes.

Sub-Section (d): Administrative Personnel of the Palestine Government

Paragraph (i) was approved and unchanged.

In paragraph (ii), the first, fifth, seventh, and eighth sentences of the quotation from the United Kingdom Government's communication included in the first sub-paragraph were deleted; a sentence from paragraph (vii) concerning the readiness of Jewish Government officials to co-operate with the Commission was transferred from that paragraph to the end of sub-paragraph two; the whole of sub-paragraph three was deleted.

In paragraph (iii), the statement of the Commission's policy of 6 February 1948 concerning the continuance in service of Palestinian officials was deleted, and in its place the following quotation from the Commission's statement of policy of 26 February 1948, without mention of the date, was inserted: "The United Nations Palestine Commission...hereby calls upon all present employees of the Palestine Administration to continue their service with the successor authority in Palestine when the British Mandate is terminated. It is the policy of the United Nations Palestine Commission as the successor authority to maintain services on the same terms and with the same rights for employees as those enjoyed under the Mandatory Government. The Commission requests all present employees of the Palestine Administration to inform at the earliest possible date the Mandatory Government, for communication to the Commission, whether they would be willing to remain in the service of the successor administration of Palestine on such terms". It was further agreed that the latest information received from the Advance Party on the matter of the employees of the Palestine Administration would be inserted at the end of the paragraph. The following three sentences were added: "The Advance Party of the Secretariat of the Commission is engaged in further negotiations on the continuation in service of the employees of the Palestine Administration. As of 8 April, willingness to continue in service after the termination of the Mandate had been expressed by 560 Jews, 3 British, and 4 others. No Arabs had volunteered".

Paragraph (iv) was approved after the first sentence had been transferred to the end of the paragraph, and the previous last sentence had been deleted.

Paragraph (v) was deleted.

Paragraph (vi) was approved with minor drafting changes.

Paragraph (vii) was deleted.

Sub-Section (e): Postal Administration

Paragraph (i) was approved with minor drafting changes.

Paragraph (ii) was re-written as follows: "The Commission, having communicated with the International Bureau of the Universal Postal Union, was advised that in the transitional period prior to the formation of the independent States, the Commission or any agent it may appoint might enter into relations with the Universal Postal Union. Accordingly, the Commission has instructed the Advance Party to explore the possibility of making emergency arrangements with a view to operating the postal services after 15 May".



Sub-Section (f): Medical Services

It was agreed to merge paragraphs (i) and (ii) into one paragraph, after the second, third, fourth, fifth, and seventh sentences of paragraph (i) had been deleted.

It was further agreed to merge paragraphs (iii) and (v) into one paragraph which was re-written as follows: "The Commission has also approved the proposal of the Mandatory Power that some hospitals be transferred to the International Red Cross and the remainder to the respective municipalities. The Mandatory Power has been advised that the cost of maintaining the hospitals transferred to the International Red Cross, in the amount of LP.8,000 per month should be made available to the International Red Cross and charged against the surplus of the Palestine Treasury as an item of top priority".

Paragraph (iv) was approved with minor drafting changes and placed as the last paragraph of this sub-section.

Sub-Section (g): Public Information Services

It was agreed to change the title of this sub-section to "Public Information Services and Facilities".

Paragraph (i) was approved with minor drafting changes. The remaining six paragraphs were deleted.

Sub-Section (h): Immigration

It was agreed to delete this sub-section.

Sub-Section (i): Prisoners and Detainees

It was agreed to change the title of this sub-section to "Prisoners and Detainees, and Internees in Cyprus".

In paragraph (i) it was agreed to insert a reference to the internees in Cyprus in the first sentence and to delete the second and third sentences of the paragraph.

It was agreed to delete paragraphs (ii) and (iii).

Paragraph (iv) was approved after it was agreed to delete the third sentence, and to re-write the last sentence as follows: "The Commission has informed those detainees and other interested parties who have made representations to it of the decision of the Mandatory Power".

Sub-Section (j): Municipalities and Local Councils

Paragraph (i) was approved with minor drafting changes.

It was agreed to retain only the first two sentences of paragraph (ii), and to add the following sentence at the end of the paragraph: "The Commission has agreed in principle to this legislation".

It was agreed to delete paragraph (iii).

Sub-Section (k): Requisitioned Property

The paragraph was re-written as follows: "With the exception of the residence of the High Commissioner, the Government of Palestine has no property of its own either for offices or for housing accommodations. It has found it necessary, therefore, to requisition a considerable amount of property and, in a large number of cases, had also rented property under lease. It approached the Commission on matters relating to the liabilities arising out of the dilapidation of such property."



Sub-Section (1): Enemy Property in Palestine

Paragraphs (i) and (ii) were merged into one paragraph. It was agreed to retain in the new paragraph only the first two sentences of paragraph (i). It was further agreed to add a new sentence embodying a reservation as to the Commission's position in the matter pending further consultations with the Mandatory Power.

Sub-Section (m): Palestine Museum in Jerusalem

Paragraphs (i) and (ii) were merged into one paragraph. It was agreed to retain in the new paragraph the first sentence of paragraph (i). It was agreed to add another sentence to the effect that the Commission had accepted the proposals of the Government of Palestine on the understanding that no financial responsibility on the part of the Commission would be involved.

At this point the Commission took a recess of forty-five minutes for dinner and resumed its meeting at 9.45 p.m.

Upon the resumption of the meeting, there was a ~~new~~ renewed brief discussion regarding the procedure to be followed in the consideration of the remaining parts of the report. It was again suggested that the Commission should first consider the chapter dealing with Conclusions and the draft report submitted by Mr. Medina (Bolivia), and at a later stage consider the chapter on economic, financial, and fiscal problems. It was decided to consider the three remaining parts of the report in this order: Conclusions, the Introduction embodying the draft report submitted by Mr. Medina, and the Chapter on Economic, Financial, and Fiscal Problems.





Chapter VI: Conclusions

Section 1: Review of the facts which have prevented the implementation of the Assembly's Resolution

In paragraph (a), it was agreed to delete the second and fourth sentences. The first sentence was approved with minor drafting changes. The third sentence was re-written as follows: "The Commission appreciates the able assistance rendered to it by the Secretary-General and his staff, who have extended full co-operation to the Commission in carrying out the Assembly's decision".

In paragraph (b), the following changes were made: the sentence in paragraph (a) containing the reference to the co-operation of the Jewish Agency with the Commission became the opening sentence of the paragraph; the phrase "The Arab League" in the first sentence was deleted; the word "invaded" in the third sentence was changed to "infiltrated". This amended, the paragraph was approved with a few other minor drafting changes.

In paragraph (c), the following changes were made: the last sentence of sub-paragraph (i) was amended to read as follows: "In the view of the Mandatory Power the progressive transfer of authority refers only to those areas,"; in sub-paragraph (ii) the last part of the last sentence reading "or to establish.....City of Jerusalem" was deleted; the insertion in place of the above-mentioned deletion of an additional sub-paragraph between sub-paragraphs (i) and (ii) reading as follows: "The Commission could not take any measures to establish the frontiers of the Arab and Jewish States and the City of Jerusalem, since the Mandatory Power informed the Commission that it could not facilitate the delimitation of frontiers on the ground"; and the deletion of the last sentence of sub-paragraph (iv). This amended, the paragraph was approved with a few other drafting changes.

In paragraph (d), the following changes were made: in the first ~~main~~ sentence, reference was made to the Commission's first two reports to the Security Council instead of the first special report; and in the second sentence, the phrase "with an attempt to nullify the resolution of the General Assembly" was changed to "with a deliberate effort to alter by force the settlement envisaged in the resolution of the General Assembly".

Paragraph (e) was approved unchanged.

Section 2: Review of the problems which require an urgent solution

Paragraph (a) was approved with only minor drafting changes.

In paragraph (b), it was agreed to insert the following additional sentence at the end of the paragraph: "In view of the urgency of the matter, the Commission is presenting a special report on the subject to the Security Council with a request for its guidance, in accordance with Part I, B, 2 of the Plan."

In paragraph (c), the first two sentences were approved, with minor drafting changes. The third sentence was re-worded as follows: "The Commission calls to the attention of the Assembly the extreme urgency of the matter referred to in Chapter IV, B, 3 (d) of this report, and reports that the question of securing the services of the Jerusalem Police Force following the termination of the Mandate is still the subject of discussions with the Mandatory Power and with the Secretary-General. The Commission feels bound to point out, however, that a successful solution of this question will not provide for the security of Jerusalem in the case of civil war in Palestine. It will be of assistance to the internal protection of life and property in the City." The last sentence reading "The Commission has been advised..... and payment of their wages" was deleted.

With reference to paragraph (c), Mr. MALANIA (Chief Administrative Officer) made a statement regarding his consultations with Mr. Byron Price (Assistant Secretary-General) and Mr. Anderson (Department of Administrative and Financial Services) concerning the financing of an emergency police force for Jerusalem. He reported that Mr. Price was prepared to recommend to the Secretary-General that \$200,000 be withdrawn from the Working Capital Fund to finance an emergency police force for Jerusalem for a period of one month. Mr. Price had explained that it would be very difficult for the Secretary-General



to undertake a longer commitment on the eve of the meeting of the General Assembly. Financing the police force for one month would give sufficient time for the General Assembly to make its own arrangements for extending the period of financing. Mr. Price would be prepared to do this on the understanding that the Commission would itself make arrangements to present to the General Assembly the case for extending the period of the emergency police force.

Mr. Malania thought the Commission might wish to take the following steps regarding this matter:

- (a) To remind the Mandatory Power that further action by the Commission depended on the receipt from it of a favourable reply.
- (b) Inform Mr. Ascarate (Deputy Principal Secretary) of the matter in question so that he might take such preliminary steps in the establishment of the police force as were possible subject to the receipt of a favourable reply from the Mandatory Power.
- (c) Prepare a separate paper for submission to the General Assembly on its opening day or shortly thereafter informing it of the steps the Commission and the Secretary-General were prepared to take and drawing the attention of the Assembly to the need for very early follow-up action.

Paragraphs (d) and (e) were approved unchanged.

In paragraph (f), it was agreed not to mention any figure regarding the working fund required by the Commission, but merely to state that it would require a substantial working capital fund. A few other drafting changes were made to this paragraph.

Paragraph (g) was approved unchanged.

The meeting rose at 12.20 a.m.

---



UK/116  
21 April 1948

AHS  
NF

COPY

The following communication, enclosing a copy of the Directive to be issued to the General Officer Commanding, Palestine, has been received from Mr. Fletcher-Cooke of the United Kingdom Delegation.

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS  
Empire State Building, New York 1, N.Y.

21st April, 1948

My dear Bunche,

May I refer you to paragraph 3 of my letter of the 17th April, in which reference was made to the text of the Directive to be issued to the General Officer Commanding, Palestine.

2. I now enclose for the information of the Commission a copy of this Directive, the text of which will be placed in the Libraries of the Houses of Parliament in London at 12 noon, British Summer Time, on Wednesday, 21st April.

Yours sincerely,

John Fletcher-Cooke (signed)

Dr. Ralph J. Bunche  
Principal Secretary to the United Nations  
Commission on Palestine  
United Nations, Lake Success.



DIRECTIVE BY HIS MAJESTY'S GOVERNMENT FOR  
GENERAL OFFICER COMMANDING BRITISH TROOPS  
IN PALESTINE

Period Covered by Directive

This Directive will come into force on the relinquishment of His Majesty's Government of the British Mandate for Palestine, and will operate until the evacuation of British forces from Palestine is completed.

Object

2. In accordance with directives issued by the Commander-in-Chief, Middle East Land Forces, you will be responsible: -

- (a) for the orderly evacuation of our forces,
- (b) for the evacuation. Stores will be evacuated up to the latest possible moment and to the greatest extent that circumstances permit. You will ensure that no weapons or ammunition are abandoned in Palestine in serviceable or repairable condition.

Powers

3. During the period covered by this Directive the basis of the powers which you may exercise will be that you are the Commander of a military force in occupation of foreign territory.

You have overriding military jurisdiction in certain areas, specified by yourself, from time to time, which will override all other law and authority in these areas. In these areas you have the power to exercise complete control in all matters including law and order, requisitioning, control of transportation, and so on, but should exercise it only insofar as it is essential for the protection of our forces and for the orderly progress of the evacuation.

So long as the conditions allow you will ensure the orderly evacuation of Royal Navy and Royal Air Force personnel and stores by means of close cooperation with Commodore, Palestine, and the Air Officer Commanding, Levant. Should it be necessary to use Royal Navy and Royal Air Force personnel to assist in maintaining law and order, you will authorise these officers to act on your behalf. If you consider a state of emergency has arisen, you have the power, after informing the other two Service Commanders, to assume command of all Service personnel in Palestine.



4. You may extend or decrease at your discretion the areas in which you wish to exercise your overriding military jurisdiction.

5. You will exercise your overriding jurisdiction, and specify the areas in which you wish to exercise it, by the issue of proclamations.

#### Proclamations

6. You should immediately on the relinquishment of the Mandate issue proclamations stating your overriding military jurisdiction and the areas in which it is to run, including territorial waters where relevant; warning the civil population to abstain from actions calculated to interfere with the progress of the evacuation, and stating that such actions will be punishable by the military authorities; specifying the offences which will be triable by the military authorities; and setting up courts in which those offences will be tried.

#### Responsibilities other than the conduct of the Evacuation

7. You have no responsibility for the preservation of law and order in any part of Palestine except as required by you for the protection of our forces and for the purpose of evacuation. You should, however, take whatever steps may be possible, and in keeping with your main responsibilities under this Directive, to protect the lives of British subjects in the areas in which your troops are located.

8. It is no part of your duty to undertake any administration for any part of Palestine except insofar as this is essential in order satisfactorily to achieve your object. You will, however, conduct the evacuation with due regard to the welfare of the civilian population and the economy of the country.

9. All expenditure on civil administration of the areas under your control should be met by whatever civil authorities are functioning in the areas.

10. You will allow such civil authority as may be effective in any areas, and which apart from your military occupation would be the civil authority of that area to operate to the greatest extent possible, and you should interfere only when necessary to achieve your object.



Relations with other Authorities

11. Assuming that the United Nations' Commission is established in Palestine at the time of the relinquishment of the Mandate you should deal with the Commission as the authority administering Palestine. If a United Nations' Commission is not established, further instructions will be sent to you in regard to the Jewish and Arab authorities with whom you should deal.

12. You will be assisted in such dealings by a political adviser to be seconded by the Foreign Office.

13. In each of the contingencies mentioned in paragraph 11 above you are also authorized to deal direct with local authorities and municipal bodies insofar as may be expedient.

Immigration

14. You have no responsibility for the control of immigration into Palestine as a whole. You have, however, authority to control the movement of immigrants into or through the areas in which you are exercising military authority at any time, insofar as you consider it expedient, for the protection of our forces and for the orderly progress of the evacuation.

(signed) E. SHINWELL

Secretary of State for War

The War Office

1st April, 1948



COPY

Communication Received from United Kingdom Delegation Concerning Position in Haifa

The following communication, containing information on the situation in Haifa, has been received from Mr. Fletcher-Cooke of the United Kingdom Delegation.

**URGENT**

My dear Bunche,

The Commission will no doubt wish to have the latest information available here about the position in Haifa.

2. Reports, which are subject to confirmation, have been received from Jerusalem to the effect that the situation in Haifa is as follows:-

(1) There has been heavy continuous fighting in Haifa Town since midday on the 21st April, after British Forces had withdrawn to positions covering the Port.

(2) Jewish attacks by night on Arab outposts at Burj Hill and Prophets' Steps and on the Telephone Exchange were successful.

(3) Khoury House, the headquarters of the Palestine Railways, was set on fire and was gutted with all records.

(4) Jewish Forces have captured Salameh Building and positions in the Station Street- Burj Hill area and are now closing in on Khamra Square.

(5) The fire in the Port caused by mortaring has been extinguished.

(6) Heavy firing continues with mortaring of the Suq (market) area, which is reported deserted.

(7) Arabs are evacuating in large numbers by sea to Acre.

(8) Total casualties are believed to be heavy, including one British Constable wounded.

(9) British Police at the Haifa lock-up are being evacuated and the prisoners released.

(10) Military authorities are helping in the evacuation with landing-craft.

3. The above report is dated 9.40 a.m. Palestine Time, 22nd April

Yours sincerely,

John Fletcher-Cooke (signed)



COPY

The following communication, concerning the Arab Attack on a Medical Convoy, was received from Mr. Fletcher-Cooke of the United Kingdom Delegation.

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS  
Empire State Building, New York 1, N. Y.

21st April, 1948

My dear Bunche,

In your letter of the 21st April, you enclosed a copy of a cable from the President of the Jewish Community Council, Jerusalem, relating to the Arab attack on a convoy of vehicles conveying doctors and nurses and other medical personnel to Hadassah Hospital and academic staff to the University of Mount Scopus.

2. References to this attack will be found in paragraph 6 of the Incident Report for April 12th and 13th and in paragraph 3 of the Incident Report for April 14th.

3. Subsequent information received from Jerusalem indicates that as a result of this incident, Hadassah Hospital will now be evacuated and further military assistance has been sought for this.

4. In view of the statement in the third sentence of the telegram, namely, that "attack took place within 100 yards of British Army Post continuing for six hours under the very eyes of British Military personnel who failed take effective steps intervene and actually prevented Haganah Forces from coming to rescue", I would invite the Commission's attention to the statement in paragraph 6 of the Incident Report for April 12th and 13th that "Security Forces went to the scene...Security Forces intervened and during shooting one British Other Rank was killed and two British Other Ranks were wounded, a Deputy Superintendent of Police was seriously wounded, seven Jews were rescued from abandoned convoy vehicles". I would also point out that the corrected figures in paragraph 3 of the Incident Report for 14th April show that two British soldiers were killed, two wounded and one British police officer was wounded.

5. If the Commission require any further information regarding this incident, I will telegraph to Jerusalem.

Yours sincerely,

Dr. Ralph J. Bunche  
Principal Secretary to the Un.Nations  
Commission on Palestine, United Nations, Lake Success

John Fletcher-Cooke (signed)



COPY

AHS

RF

## UNITED NATIONS PALESTINE COMMISSION

## The Provisional Councils of Government

(Informal Working Paper Prepared by the Secretariat)

1. The General Assembly's Plan of Partition with Economic Union envisages three steps leading to the proposed independent Arab and Jewish States in Palestine viz.
  - a. the Provisional Councils of Government in each of the proposed States, which are to be selected and established by the Commission, and whose activities are to be carried out under the general direction of the Commission (para. 4, B, I);
  - b. the Provisional Governments, which are to be chosen by the Constituent Assemblies and which are "to succeed the Provisional Council(s) of Government appointed by the Commission" (para. 10, B, I); and
  - c. the independent Arab and Jewish States, which shall come into existence two months after the completion of the evacuation of the armed forces of the Mandatory Power, but in any case not later than 1 October 1948 (para. 3, A, I), and after the Provisional Government of each proposed State has made to the United Nations the Declaration required in Part C of the Plan.
2. This Working Paper will deal only with the first of these three steps, namely the Provisional Councils of Government, and will attempt to clarify the situation which has been created by the factors of Arab resistance and the position taken by the Mandatory Power.
3. As regards the Provisional Council of Government in the proposed Arab State, the Commission has been unable to take even preliminary steps, owing to Arab hostility to the Plan, and the consequent inability of the Commission to undertake any consultations with democratic parties and other public organisations of the Arab State as required in para. 4, B, I.
4. As regards the Provisional Council of Government in the proposed Jewish State, the controlling factor in the period prior to the termination of the Mandate is the firm intention of the Mandatory Power to retain undivided ~~xxxxxxx~~ control in Palestine until the Mandate is terminated (para. 3,



Section D, Second Monthly Progress Report, p. 8: A/AC.21/14). The Jewish democratic parties and other public organizations are prepared to undertake the required consultations with the Commission looking toward the selection and establishment, as rapidly as possible, of the Provisional Council of Government for the proposed Jewish State, as envisaged in paragraph 4, Section B, Part I of the Plan. The Commission has, in fact, undertaken preliminary consultations of this nature with the representative of the Jewish Agency, and has communicated with all of the representative Jewish democratic parties and other public organizations in order to ascertain their wishes as to how and where they might desire to consult with the Commission on this matter. While most of them indicated that the Jewish Agency was entitled to speak for them certain of them wished to consult with the Commission directly, and the Commission is obligated to grant them the privilege of doing so.

The Mandatory Power, however, interprets paragraph 2, Section B, Part I of the Plan as having no effect prior to the termination of the Mandate (reply to Question a), para. 2, Section D, Second Monthly Progress Report, p. 4: A/AC.21/14). It follows, therefore, that prior to the termination of the Mandate, the Commission will have no authority in Palestine to delegate to the Provisional Councils of Government. Moreover, should one or the other of them be established prior to that date, and attempt to function in defiance of the Mandatory Power's edict, the Commission could exercise no supervision or control over its activities as required by the Plan (para. 4, 5, B, I). The Commission would be in an untenable position should it be held liable for the acts of a Provisional Council which it had created but over which it could exercise no effective control by virtue of its inability to be in Palestine and to exercise authority there.

5. The Plan of the General Assembly (para. 4, B, I) provides that "the Commission, after consultation with the democratic parties and other public organizations" of the two proposed States, "shall select and establish



in each State as rapidly as possible a Provisional Council of Government."

It is clear from this wording that the selection and establishment of the Provisional Councils of Government is a decision to be made exclusively by the Commission following the necessary consultations, and as rapidly as practical considerations permit. This paragraph then goes on to provide that "if by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council...". This phraseology omits the word "establish" and refers only to the selection of the Provisional Councils of Government. The conclusion may be drawn, therefore, that there is no particular significance to be attached to "establish" in the earlier phrase "select and establish", other than the formal act by which the Commission would announce that the Provisional Council of Government is constituted and may begin to exercise its functions. For all practical purposes, the selection and establishment of Provisional Councils would have little immediate significance unless they could begin at once to carry out their functions.

As indicated in the wording of paragraph 4, the Plan envisages the possibility that the situation might arise whereby the Commission could select a Provisional Council, but having been selected, it would be unable to carry out its functions. The wording of paragraph 4 of the Plan is such that the Commission is obligated to report automatically to the Security Council if a Provisional Council of Government cannot be selected and carrying out its functions in either of the proposed States.

6. It may be noted, also, that paragraph 3, immediately preceding paragraph 4, relating to the Provisional Councils of Government, refers to the work to be undertaken by the Commission "on its arrival in Palestine". In view of the consultations prerequisite to the selection of the Provisional Councils of Government, and more particularly, the supervision and control which the Commission is to exercise over their activities, it may be properly assumed that the Plan envisaged the Commission's presence in Palestine as a necessary condition to the functioning of the Provisional Councils. The Jewish



Agency for Palestine recognized the importance of the Commission's presence in Palestine in connection with the establishment of the Provisional Councils of Government in its "Memorandum of the 26th December, 1947 on the Situation in Palestine", when it stated in paragraph 6 of that Memorandum that

"6. The Jewish Agency is of the opinion that the arrival of the Commission in Palestine should be expedited, so as to enable it, in accordance with its mandate, to 'establish in each State as rapidly as possible a Provisional Council of Government'. Under the arrangement favoured by the Mandatory Power, this could not be achieved by 1st April 1948, and the Commission would be bound, under Part I, section B, para. 4 of the resolution of 29th November 1947, to 'communicate the fact to the Security Council for such action ... as the Security Council may deem proper'."

Moreover, paragraph 6, Section B, Part I, provides that the Provisional Councils are to "progressively receive from the Commission full responsibility" for administration in the respective States, but only "in the period between the termination of the Mandate and the establishment of the States' independence". Paragraph 6 would thus seem to control paragraph 7 whereby "the Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local". This, clearly, would be an important aspect of the authority which the Councils would receive from the Commission under paragraph 6.

7. In its Second Monthly Progress Report (Section E, p. 11) the Commission has already reported to the Security Council the impossibility of fulfilling paragraph 4, Section B, Part I of the Plan by 1 April, in the following passage:

"2. On the basis of compelling evidence, the Commission is at the duty to inform the Security Council now:

a) that the attitude of the Arab Higher Committee and Arab resistance in Palestine preclude the possibility of selecting a Provisional Council of Government for the proposed Arab State by 1 April;



b) that, while the Commission can take and has in fact taken some preliminary steps toward the selection of the Provisional Council of Government for the proposed Jewish State, that Provisional Council will not be able to 'carry out its functions', in the sense of the Plan, prior to the termination of the Mandate.

c) The position of the Mandatory Power, as indicated in the reply to a question of the Commission set forth below, precludes any possibility of fulfilling by 1 April, Part I, b. 4 of the Plan, as regards either the Arab or the Jewish State.

The Commission had inquired:

'In what manner is the Mandatory Power prepared, prior to the termination of the Mandate, to facilitate the work of the Commission respecting measures it must take to establish the Provisional Councils of Government?'

The Mandatory Power replied as follows:

\* 'Subject to its overriding responsibility for the maintenance of law and order, the Mandatory Power would not impede any preliminary steps taken by the Commission with this object in view, although such Councils could not exercise any authority prior to the date of the termination of the Mandate'.

As an inevitable consequence of the above, the Commission went on to point out that

"3. In view of the fact that in the circumstances Provisional Councils of Government cannot carry out their functions by 1 April it is not possible to comply with Section D, paragraph 1 of the resolution of the General Assembly, which requires that the Undertaking with respect to Economic Union and Transit shall be entered into by the Provisional Councils of Government by 1 April 1948.

The resolution provides alternatively that if the Provisional Councils of Government have not entered into the Undertaking by 1 April, the Commission shall put the Undertaking into force. This is impracticable, in any case, owing to the policy of the Mandatory Power not to relinquish any authority prior to the termination of the Mandate."

8. In view of the fact that the circumstances prevent the Commission from selecting a Provisional Council of Government which can "carry out its functions" by 1 April 1948, in either the Arab or Jewish State, and has reported this fact to the Security Council, the date of 1 April no longer has any practical significance for the activities of the Commission, and nothing more in this respect remains to be reported to the Security Council. In pursuance of the Plan it is now for the Security Council to take such action as it may deem proper (para. 4, B, 1).



9. Moreover, the Plan (para. 4, B, 1) also provides that the Commission must similarly communicate "to the Security-General for communication to the Members of the United Nations" the fact that by "1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions". This automatic provision has been complied with in the letter of the Chairman of the Commission to the Secretary-General of 18 March 1948, quoting paragraph 2 of Section E of the Second Monthly Progress Report. The letter reads as follows

"Sir,

On behalf of the United Nations Palestine Commission, I have the honour to inform you of the present situation as regards paragraph 4, Section B, Part I of the resolution of the General Assembly on the Future Government of Palestine with particular reference to the Provisional Councils of Government.

The relevant part of this paragraph of the resolution reads as follows:

'If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.'

In pursuance of this part of the resolution, the Commission in Section E, paragraph 2 of its Second Monthly Progress Report to the Security Council (document S/695), has included the following statement:

'2. On the basis of compelling evidence, the Commission has the duty to inform the Security Council now:

a) that the attitude of the Arab Higher Committee and Arab resistance in Palestine preclude the possibility of selecting a Provisional Council of Government for the proposed Arab State by 1 April;

b) that, while the Commission can take and has in fact taken some preliminary steps toward the selection of the Provisional Council of Government for the proposed Jewish State, that Provisional Council will not be able to 'carry out its functions', in the sense of the Plan, prior to the termination of the Mandate.

c) The position of the Mandatory Power, as indicated in the reply to a question of the Commission set forth below, precludes any possibility of fulfilling, by 1 April, Part E, B, 4 of the Plan, as regards either the Arab or the Jewish State.

The Commission had inquired:

'In what manner is the Mandatory Power prepared, prior to the termination of the Mandate, to facilitate the work of the Commission respecting measures it must take to establish the Provisional Councils of Government?'

The Mandatory Power replied as follows:

'Subject to its overriding responsibility for the maintenance of law and order, the Mandatory Power shall not impede any preliminary steps taken by the Commission with this object in view, although such



7

Councils could not exercise any authority prior to the date of the termination of the Mandate.'

I have the honour to be,

Sir,

Your obedient Servant,

/s/ Karel Lisicky

Karel Lisicky

Chairman

United Nations Palestine Commission"

The Secretary-General, under a covering note dated 22 March 1948, communicated to the Members of the United Nations a copy of the above letter. The covering note of the Secretary-General reads:

"The Secretary-General of the United Nations presents his compliments to.....and has the honour, in accordance with Part I, Section B, paragraph 4 of the Plan of Partition with Economic Union contained in Resolution 181 (II), adopted by the General Assembly on 29 November 1947, concerning the future Government of Palestine, to communicate herewith a copy of a letter relating to the Provisional Councils of Government which was addressed to him on 18 March 1948 by the Chairman of the United Nations Palestine Commission."

10. By paragraphs 2, B, I and 14 B, I, the Commission is bound to act in conformity with and to be guided in its activities by the recommendations of the General Assembly and such instructions as it may receive from the Security Council. The Commission has, thus far, received no instructions from the Security Council, and it must, therefore, rely solely upon the recommendations of the General Assembly as set forth in the Plan. These recommendations consist of the steps necessary to be taken in order to implement the Plan of Partition with Economic Union. Certain of these steps, for reasons and circumstances beyond its control, the Commission has found it impossible to take. In each instance this inability has been reported to the Security Council in one or another of the three reports submitted to the Security Council by the Commission. The inability to select and to have functioning by 1 April 1948 a Provisional Council of Government in either the Arab or Jewish State is one such instance.

11. The fact that the Commission has had to report to the Security Council its inability to fulfil paragraph 4, B, I by 1 April, however, need not preclude the possibility of the Commission proceeding with such preparatory steps as it may continue to take with regard to the Provisional Council of Government for the Jewish State, looking toward its ability to function after the termination of the Mandate. The Commission, could, for instance, continue its consultations with the representative of the Jewish Agency and undertake consultations with representatives



of other Jewish parties or other public organisations desiring to consult directly with it, on such matters as:

- a. the size and structure of the Provisional Council of Government for the Jewish State;
- b. its composition;
- c. means of providing representation for the substantial Arab minority in the Jewish State;
- d. the extent of the authority with which it will be initially endowed;
- e. the extent of supervision and control which the Commission will exercise over the Provisional Council and the means of doing so;
- f. the central and local administrative organs of government which the Provisional Council shall establish, after its formation, on instructions from the Commission.

The Commission could reach decisions on such questions, in consultation with the Jewish representatives, on the understanding that unless the Mandatory Power changes its position on the matter in negotiation with the Commission, no Provisional Council of Government under the authority of the Commission can be established in the sense of beginning to exercise any authority until the termination of the Mandate, and that appointments to the Provisional Council, although previously decided upon, will become effective only upon the Commission's arrival in Palestine.



# Catholic Near East Welfare Association

## Partial List of Roman Catholic Activities in Palestine

1. ACRE
  - a-Parish Church and Monastery, 1 Franciscan Priest and 1 Franciscan Brother.
  - b-Parish Boy's School, 70 students 2 lay teachers.
  - c-Girls' School conducted by Sisters (Dames of Nazareth).
2. CAPHARNAUM
  - a-Monastery and Chapel, 1 Franciscan Father.
  - b-Sanctuary of the Synagogue.
  - c-Sanctuary of the Primacy.
3. CANA
  - a-Parish Church and Monastery 1 Franciscan Priest and 1 Franciscan Brother.
  - b-Boys' School conducted by Franciscans.
  - c-Girls' School conducted by Franciscan Sisters.
4. HAIFA
  - a-Chapel and Monastery for visiting priests 1 Franciscan Priest and 1 Franciscan Brother.
  - b-Hospital of Franciscan Sisters, 1 Franciscan Chaplain.
  - c-Christian Brothers, Salesians and Greek Catholics have schools for boys. Sisters (Dames de Nazareth) have Girls' School.
  - d-Carmelite Fathers have the Parish Church, Monastery and Church of Our Lady of Mount Carmel.
5. MOUNT THABOR
  - a-Basilica of the Transfiguration (erected chiefly with American Funds.)
  - b-Monastery, 6 Franciscan Priests, 3 Franciscan Brothers.
  - c-Guest House.
6. MUGEIDEL
  - a-Parish Church and Monastery 1 Franciscan Priest.
  - b-School conducted by Franciscan Sisters.
7. NAZARETH
  - a-Parish Church of the Annunciation.
  - b-Sanctuary Church of Workshop of St. Joseph.
  - c-Franciscan Monastery 9 Priests, 3 Brothers.
  - d-Guest House.
  - e-Chapel of "Mensa Christi".
  - f-Chapel of the "Fright of the Blessed Virgin."
  - g-Jaffa of Galilee-Chapel of St. James the Greater.
  - h-Naim - Chapel.
  - i-Parish Boys' School, 250 students.
  - j-Franciscan Sisters conduct a technical school for girls.
  - k-Dames of Nazareth School for Girls.
  - l-Christian Brothers and Salesians have schools for boys.
8. SEPHORIS
  - a-Sisters of St. Ann have a Chapel, Convent, school and clinic.
  - b-Franciscan is Chaplain for above.



Catholic Near East Welfare Association

- 2 -

9. TIBERIAS      a-Parish Church and Monastery 2 Franciscan Priests and 2 Brothers.  
b-Guest House for Pilgrims.  
c-Franciscan Sisters conduct School.
10. AIN KAREM      a-Parish Church, Sanctuary and Monastery of St. John the Baptist 6 Franciscan Priests and 3 Brothers.  
b-Boys' School and Clinic conducted by Franciscans.  
c-Girls' School and Clinic conducted by Franciscan Sisters.  
d-Sanctuary Church and Monastery of the Visitation.  
e-Guest House.  
f-Sisters of Sion conduct Girls' School.
11. BETHLEHEM      a-Parish Church and Monastery of St. Catherine, 15 Franciscan Priests, 13 Franciscan Clerical Students, 5 Brothers.  
b-Shrine of the Nativity, Crib, etc.  
c-Chapel of the Milk Grotto of the Blessed Virgin Mary.  
d-Chapel of St. Joseph.  
e-Chapel of the Shepherds.  
f-Parish School 250 boys.  
g-Parish School for Girls taught by Sisters of St. Joseph.  
h-Home for the Aged conducted by Franciscans.  
i-Hospital and Home for Foundlings Sisters of Charity.  
j-Christian Brothers School.  
k-Salesian Brothers School for Boys.  
l-St. Joseph's Academy for Girls.  
m-Several other Convents and Monasteries.
12. BETHPAGE      a-Monastery and Sanctuary Chapel 2 Franciscan Priests and 2 Brothers.
13. Emmaus      a-Sanctuary Church, Monastery and Seraphic College about 30 candidates.
14. JAFFA      a-Church and Monastery of St. Peter.  
b-Church and Monastery of St. Anthony.  
c-St. Anthony's School and Club 300 boys.  
d-Girls' School Sisters teaching.  
e-Academy of Sisters of St. Joseph.  
f-Christian Brothers School 300 students.  
g-Hospital of Sisters of St. Joseph.
15. JERICHO      a-Good Shepherd Church and Monastery.  
b-Franciscan Boys' School.  
c-Franciscan Sisters Girls' School.  
d-Chapel on the Jordan.
16. RAMLEH      a-Parish Church and Monastery of St. Nicodemus.  
b-Boys' School conducted by Franciscan Sisters.  
c-Girls' School conducted by St. Joseph Sisters.  
d-Academy conducted by the St. Joseph Sisters.



Catholic Near East Welfare Association

- 3 -

JUDEA

1. JERUSALEM

- a-Parish Church of Jerusalem 5 Franciscan Priests.
- b-St. Saviour's Monastery, Mother House of Franciscans, residence of Most Rev. Custos of the Holy Land and his 7 Counsellors, Novitiate and Clericate.
- c-Parish School for boys 300 students.
- d-Boys' Orphanage, 80 orphans.
- e-Girls' Orphanage, 60 orphans.
- f-Parish School for 400 girls, taught by Sisters of St. Joseph.
- g-Terra Sancta College 500 students.
- h-Schmidt Girls' College 400 students Sisters of St. Charles.
- i-St. Joseph's Academy 400 students conducted by Sisters of St. Joseph.
- j-Several other small Catholic Schools taught by Sisters.
- k-Christian Brothers College 400 students.
- l-Printing Press and Work Shops of Franciscans where trades are taught.
- m-Franciscan Guest House for Pilgrims.
- n-Basilica of Holy Sepulchre 7 Franciscan Priests 5 Brothers.
- o-Chapel of the Cenacle 7 Franciscan Priests 1 Brother.
- p-Biblical School of the Franciscans, Chapel of Flagellation, Crowning with Thorns, various Chapels along the Way of the Cross.
- q-Basilica of Gethsemane 5 Franciscan Priests 3 Brothers.
- r-Dominican Biblical School.
- s-St. Louis Hospital, Sisters of St. Joseph.
- t-Home for Poor and Aged, Sisters of Charity.
- u-Various other religious orders of priests and Sisters in and near Jerusalem.



## Evidence of Mr. Eliezer Kaplan before U.N.S.C.O.P.

Mr. Chairman, Members of the Committee!

My task is to sum up the economic evidence of the Jewish Agency and to answer questions, if any, with regard to the economic and financial activities of the Jewish Agency, with regard to our general plan of economic development, and with regard to our programme for the financing of this development.

In summary, our contentions are: that Jewish immigration has created new economic absorptive capacities in Palestine and has given a great impetus to the economic progress of the country as a whole, to the benefit of all its inhabitants; that we have established a Jewish economic entity which is sound and self-supporting; that we are in Palestine still at the beginning of the development process; that Palestine can absorb additional millions of people; that our plan for the absorption of a million Jews during the next decade, as submitted to the Anglo-American Inquiry Committee, is a practical one; and that, given a reasonable amount of international cooperation, the means can be found to finance this absorption.

I had the privilege of testifying before the Anglo-American Committee mainly on matters pertaining to agriculture. I tried then to indicate, in some detail, that the supplies in Palestine of the basic natural resources of land and water are not the limiting factors in the absorption of large numbers, and that the agricultural population of this country can easily be doubled and maybe trebled. The things that are needed to make this great agricultural expansion possible are large-scale immigration and a broad development policy designed and executed with vision, courage, and a pressing sense of need on the part of the responsible authorities. The progress of modern agriculture depends upon the expansion of urban markets, and we consequently envisage further agricultural development in this country as a part of its general all-round progress. My previous testimony on these questions appears as a part of the statements and memoranda submitted to you under the title THE JEWISH CASE, pp.141-165. In the hope that you had an opportunity at least to glance through the printed material, I shall, with your permission, confine myself to a brief review of the basic data. I shall try to supplement our printed submissions principally by summarising for you the research and development work accomplished during the past fifteen months.

#### The Legend of Land Scarcity

Let me begin with the legends that Palestine is a country where land is scarce and water is still scarcer. The latest memorandum of the Government of Palestine on "The Administration of Palestine under the Mandate" states that "under British rule in Palestine the main impediment to large-scale planning was however and remains uncertainty as to the availability of land not only for close settlement of an additional agricultural population, but adequately to support the existing population. The position as regards water resources was equally characterised by imprecision". Please note that this uncertainty and imprecision still holds good in the minds of the Government after 27 years of its rule in the country. It might perhaps not unreasonably have been anticipated that, if the Government of Palestine was so uncertain of the land and water resources of the country, it might have used more of its resources during the past 27 years to go thoroughly into these questions instead of leaving them predominantly to Jewish public and private bodies. The Government has, on the other hand, not refrained from translating its uncertainties into policies that stand as barriers across the main line of economic progress. Despite the uncertainty in its own judgments, the Government justifies the White Paper by the argument that "there was no room in certain areas for further transfers of Arab land, while in some other areas such transfers of land must be restricted if Arab cultivators were to maintain their existing standard of life and a considerable landless Arab population was not soon to be created". "In fact, a review of the condition of congestion in Arab and Jewish rural areas carried out in 1938, had indicated serious congestion in almost the whole of the Arab area, whereas Jewish land supported fewer families in proportion to the acreage". In my evidence before the Anglo-American Committee, p.156, I repudiated this assertion with regard to the use of land at Jewish disposal. If we take only the rural population, we have a ratio as between Jewish and Arab population of 1 to 5 in Palestine as compared with a ratio of cultivated land of 1 to 10.



Further, in accordance with Government statistics relating to 1944-45, the ratio of Jewish to Arab use of cultivated land under main groups of crops (excluding citrus) was 1 to 13, while the ratio of value of crops was 1 to 4 1/2. Jewish rural population is therefore twice as dense as Arab rural population per unit of cultivated land, and Jewish output is therefore three times as great as Arab output per unit of cultivated land. Nevertheless the Government again now cites conclusions of a "review" made in 1938- a review never put at our disposal so that we might be able to analyse it and show how it had fallen into error. At the same time the Government ignores its own published figures, which flatly contradict the conclusion of this 1938 "review".

Gentlemen, with a clear conscience I say: the truth is that this little country contains sufficient land and water to feed not only its present population but twice and thrice this number. I say it upon the strength of our colonising experience during three generations and on the basis of the scientific research which we have conducted during the past 35 years. Of course Palestine, like many other countries, cannot and should not produce everything. But then Palestine produces some commodities in abundance which other countries will gladly take from her in exchange for products of which she is short.

The White Paper divided Palestine into three zones, in reverse direction from the official explanation of the reasons for the restrictions on land transfer. The free zone, consisting of about 5% of the total area of Palestine, embraces the most congested areas. The restricted zone (constituting 32% of the total area), and the prohibited zone (constituting 63%) are the zones which comprise land to a large degree uncultivated and described by the Government as "uncultivable". It may be of interest to add that the agricultural standard of living in the so-called congested free zone is the highest of all the farming population of Palestine. The Government of Palestine has restricted or prohibited land transfer and development precisely in those parts of the country in which least development had taken place. The backward are to remain backward.

The total area of Western Palestine is about 26,400,000 dunams, counting a thousand square metres to the dunam. About a third of this area is uninhabited desert and largely unexplored. Of the remaining 17,000,000 dunams about 9,000,000 are cultivated, though some of it not permanently, and about 8,000,000 are uncultivated and given up by the Government as uncultivable. We have shown by experience and reasonable analogy that this area of cultivable land can be increased by millions of dunams, which would provide a livelihood to tens of thousands of families in agriculture.

Mr. Chairman and Gentlemen, you have visited the Negev. In accordance with Government figures there are in that area about 1,600,000 dunams of cultivable land of which only one-half is cultivated. You have seen the primitive form of cultivation which now prevails, and you have seen the first beginnings of our efforts to convert this semi-desert into a highly cultivated area. It calls for vision, and certainly we cannot always claim success. We are pursuing the method of trial and error. After observing the experience of three experimental settlements over a period of three years, we established an additional 13 settlements during the past ten months. I should rather say the nuclei of additional settlements. We have tried to study the climatic conditions, the proper form of cultivation; we have tried to bring water to these places. You have seen the dam and the reservoir at Revivim. It was quite costly, as is each new experiment, but - from the point of view of the development work that will be carried out there in the future - such a cost is amply justified. In the neighbourhood of Beersheba, on a plateau 300 metres above sea level, we are trying a different system of water supply - that of underground storage. By building a number of lower dams, we are trying to stop the fast-flow of flood water and to recharge the underground basin. Experiments have shown that by this method an accumulation of millions of cubic metres of water is possible. We are trying a third method of bringing water from a distance, and you have seen the work done at Nir Am and our water pipeline that may soon cover a distance of 164 kilometres. The cost of the water through the pipeline will be, in its first stage, about 16 mils per cubic metre. But again we are still in the stage of experimentation. Higher than average water costs are justified in this



arid zone. Water will bring a blessing not only to the Jewish settlements but to the whole area. We are already supplying water to our Arab neighbours.

During your visits you have no doubt had an opportunity to see our work of reclamation in other parts of the country. You saw that we have succeeded in converting large areas of so-called bad land into what is now among the most productive parts of the country. May I mention that of the one million dunams of land acquired by the Jews during the last 25 years, more than half was thought to be uncultivable and unhealthy waste land. The total area reclaimed by us is more than 600,000 dunams and we believe that larger possibilities are still before us in this country. More than half of northern Palestine - about eight million dunams - consists of hill country, of which only about two million dunams, according to Government statistics, are cultivated. This very low ratio of cultivation is the result of centuries of neglect. By deforestation, over-grazing and improper cultivation, large areas have been reduced to rocks and boulders. The soil itself is of the highest fertility. Many of these areas can be revived, and I state this on the strength of the achievements both of our settlements in the hills and of many Arab farms. All this area is now part of the prohibited zone. We firmly believe that the White Paper of 1939, with its land prohibitions and restrictions, was not only a blow to the Jews but continues to be a major handicap to the proper development of the country as a whole. So much for the legend of the scarcity of land.

#### The Possibilities of Agricultural Intensification

Of even greater importance than the size of cultivated area is the question of better, more economic, and more intensive use of the land. In my statement before the Anglo-American Committee, I dwelt at some length upon farming methods. I told the story of the reduction of the land area in our settlements from as much as 300 dunams per family three generations ago, to 25 dunams of irrigated land in our intensified farms of today. (Experience has shown that on the average, in Northern Palestine, one dunam of irrigated land is worth, from the agricultural point of view, five dunams of unirrigated land.) I wish here merely to sum up the required land area that we now accept as the basis of our settlement activities. In the plains, ten to twelve dunams of irrigated land for citriculture or for market-gardening farms in the neighbourhood of towns; 25 dunams of irrigated land for mixed farming; 100 dunams of unirrigated land for mixed farming. In the hills, a family unit should comprise 50 dunams of which 30 should be of superior quality reclaimed and ameliorated for fruit growing, green fodder and vegetables, and 20 dunams of inferior quality for carob plantation and controlled grazing.

I have also, in my testimony before the Anglo-American Committee, challenged the Government's figures with regard to its hypothetical data bearing on the problem of the "lot viable". Our figures have never been refuted. I do not intend to go into all these questions again today.

The experience of agricultural improvement in Palestine is the basis for our belief that it is the character of land use which is of primary importance to both Jews and Arabs. Our Arab neighbours have improved and intensified their land use greatly during the past 15 years of rapid Jewish growth. This improvement has taken place often as a direct consequence of resources made available by Jewish land purchases. Other stimuli have been Jewish urban markets, the example of Jewish farm methods, and the aids made available through Jewish-paid taxes. It is a most notable fact that in Transjordan, under the same Mandatory rule, but from which Jewish immigration was excluded by the partition of 1922, the Arab farmer shows no corresponding progress despite the availability of large land reserves.

In accordance with official figures, the average income of the Arab farmer increased from the year 1931 to 1939 by approximately 30% (disregarding the gain in citrus). By 1945, again utilising only official figures, and disregarding war-time price advantages, the income of the average Arab farm family was approximately 50% higher than in 1931. This gain reflects great progress in land use and in farm management. The Arab fellah has diversified his farm and has greatly increased his production of vegetables, olives, fruits, eggs and fodder.



The Arab agricultural economy also profited to a very important extent from a favourable war-time price development. Arab agricultural output increased during the war by about 15%, but the portion of output designed for the market increased to about 30% of the total Arab production. Prices of characteristic Arab farm products rose far more than his cost of production or than the costs of the consumer goods that the Arab farmer buys. Because of this price differential in his favour - along with his increased productivity - the Arab fellah was able to raise his standard of living notably and at the same time to pay off the greatest part of his debts.

There has been, in the past eight years, an even greater development in Jewish agriculture. The increase of the output of Jewish agriculture (apart from citrus) during the war, in constant prices, was about 110%. This increase has continued in the two years after the war; output is now about 140% higher than the output of 1939. This increase in Jewish agriculture was caused by further intensification, by a substantial increase in the irrigated area, and by establishment of new settlements. From the beginning of the war, we have established 94 new settlements; this includes 36 nuclei of new settlements established during the past 15 months.

But it is now two years after the war, and both Jewish and Arab farmers face a difficult problem of readjustment and adaptation to world markets. The Jewish agricultural economy is based mainly on the production of protective foods. The prices of its products have risen since the beginning of the war by about 360%. During the past year there was a limited decrease in the prices of Jewish farm products, but I regret to say that there was at the same time some increase in the cost of production. Jewish agriculture, which produces about 75% to 80% for the market, depends to a high degree on imported fodder. The cost of fodder has increased substantially even during the last year. We are compelled - as a result of Government policy - to buy our fodder mainly in Middle Eastern countries, where prices are extremely high. We pay about six times the prewar price for grain! Jewish farming has to face the difficult situation of a high cost of labour resulting both from the high cost of living and from the scarcity of labour. An increase in immigration will make labour more readily available. Then, with a sizeable increase in the importation of cheaper fodder, we will be able, though not without a difficult transition period, to adapt ourselves to prevailing world prices as we did before the war.

But the question of agricultural reconversion will be no less difficult for the Arabs. The prices of Arab products have increased since the war even more than those of the Jews, in fact by 46%. The Arab farm is based to a much greater extent than Jewish farming on the production of grain, and when the present sellers' market is over, Arab grain growers too will have to adapt themselves to world market prices. Before the war Arab cereal villagers were generally unable to cover their expenses out of their farm income and were compelled either to incur debts or to seek additional sources of income through hiring themselves out for labour. In our view the only way for these Arab farmers to avoid a post war relapse into their former indebted and impoverished condition is by the improvement of farming methods and additional irrigation - with corresponding expansion of urban markets.

The Government of Palestine stresses the great obstacles in the way of rapid development. Certainly they exist, but these obstacles are not the scarcity of natural resources but are rather connected first of all with the present system of tenure of land, then with the lack of education and training, and finally with the lack of capital. All these obstacles call for a bold development scheme. The methods of land/ and the extreme fragmentation of holdings call urgently for a through-going land reform; lack of capital can be made good by additional Jewish immigration and new farm credit facilities; marketing possibilities can be provided by a rise in the standard of living and by additional Jewish immigration. Irrigation water can be provided in exchange for land. Training calls for example. There must be Government intervention, guidance and planning; without Government authority and initiative, it is hardly possible to carry our large development schemes. But I regret to say that our experience under the present regime has been a disappointing one. The Government of Palestine has lacked imagination, determination



and interest in economic development. The aim of the Mandatory Government's intervention in economic affairs has been "keeping the balance" - mainly not development but restriction, and the sufferers have been Jews and Arabs alike.

I have mentioned briefly the land regulations. Only this week we were confronted with the publication of a draft law called "Irrigation Water Bill, 1947". We were amazed by the Government's decision to introduce such radical legislation, putting all underground water under strict Government bureaucratic control without recourse to the courts, at a time when the whole question of Palestine is sub judice. The general tendency of this law, as of most other laws enacted since 1939, is restrictive and not creative. What Palestine needs is a Governmental authority which is determined to execute large development schemes combined with large immigration. Such development initiative is the primary economic requirement both of the Jewish and Arab population now resident in the country and of the many hundreds of thousands of Jews who need to come here.

#### The Legend of Water Scarcity

I turn now to the second of our stultifying legends - that of the scarcity of water in Palestine.

About 40 years ago, in 1908, the Zionist organization started its colonising work in this country. There was then not a single modern well in Palestine. About 15 years later, the total irrigated area in Palestine was about 30,000 to 40,000 dunams. Now the area under irrigation totals 450,000 dunams, which means that in the last 25 years the area has increased more than ten-fold. But we are confident that it is possible to increase the irrigated area further to an amount totalling at least eight times as much as is now irrigated. In this direction, lies the future of Palestine's agriculture. We are only at the beginning. The discovery of water is, in our view, the greatest discovery ever made in Palestine. I would like to say that in the last 15 months we have had quite a number of further striking successes in finding water in different parts of the country.

I discussed the question of irrigation at length in my statement before the Anglo-American Committee, and on that occasion explained the work of our water companies and the schemes prepared by local and American experts especially the over-all irrigation scheme prepared by Messrs. Hays and Savage. Mr. Hays is an outstanding American irrigation engineer, with very wide experience, while to Mr. Savage may perhaps be accorded the title of the foremost irrigation engineer of our times. I understand now that the Hays-Savage scheme is contested, in some particulars, by the Palestine Government's water officers. We proposed 15 months ago that a round-table conference should be held where the American experts and the water officers of the Palestine Government would be brought together in order to clear up the differences of opinion. Some members of the Anglo-American Committee heard the explanation of Messrs. Hays and Savage (see THE JEWISH CASE p.612), but I regret to state that the Government representatives did not appear at that meeting and up till now most of the criticism of the Government has been kept secret. This seems to us an extremely strange way for a Mandatory to deal with a scientific and technical question that is of the greatest importance for the development of our country.

Mr. Chairman, I am in a position to state that our local and American experts are ready to appear before you whenever you desire; they are ready to appear before you in Europe if that is more convenient, and, they are prepared to give you or any competent engineer you may designate any explanations you may care to have of their scheme. In accordance with Mr. Hays' report an additional area of about 2 1/2 million dunams, beyond what is now irrigated, can be irrigated by utilising the water sources of this country. He envisages a further development by way of cooperation with the neighbouring countries.

Our Agricultural Research Institute at Rehovoth has followed up the Hays-Savage scheme by more detailed calculations of actual water requirements, by crop and region. They have prepared cultivation plans in accordance with the soil and climatic conditions prevailing in various parts of the country, and they have reached the conclusion that



with the same quantity of water as estimated by Mr. Hays a further area of about 800,000 dunams can be irrigated, bringing the total area of new irrigable land up to 3,300,000 dunams. About 120,000 intensive farm units can be established under this scheme; this means doubling the agricultural population of Palestine. We estimate that there are now in Palestine about 85,000 Arab farm units, and about 15,000 to 16,000 Jewish farm units.

Arguments have been brought against this scheme, questioning the quantity of water available and the feasibility of the scheme because of the present form of land tenure, and also stressing the high price of water. I do not intend to go again into all these questions. As regards the high cost of water I would like to stress again that what is decisive is not the absolute price of the water, but the relation of the cost of water to the value of crops produced. Our Agricultural Research Institute has made a detailed study of the ratio of the cost of water to the value of different crops in the different parts of the country, and they came to the encouraging conclusion that a price up to 2 1/4 mil per cubic metre is an economic one as regards most of the products of an intensified farm unit, even assuming the low prewar level of agricultural prices. Mr. Hays believes that the price of water in Palestine will be less than two mils. He emphasises that the water will cost less here than in California. We know that it will be less than that paid in many places in Palestine before the war.

#### Plan for Irrigated Development

Mr. Chairman and gentlemen, in order to narrow the field of controversy, and to explain the large development possibilities, we instructed our Agricultural Research Institute to prepare an additional plan as a part of Mr. Hays' over-all scheme based upon quantities of water which are undisputably known to be available for irrigation and which do not raise serious objections as to cost. It was laid down by this instruction that such schemes should not embrace the whole of agricultural Palestine but only limited areas of cultivated or cultivable land which could be brought under irrigation under the most economic conditions. After careful examination of the soils, of the climatic influences, of the water available, of agricultural practices, of marketing demands, eleven agricultural districts were chosen extending over a development area of 2 1/2 million dunams, (all to be cultivated in an irrigated and intensive manner.) The major part (about one and a half million dunams) of the area is in the coastal plain; this area requires one million cubic metres for irrigation. The rest of the development area consists of inland plains-valleys known as the Huleh, the Valley of Jezreel and Asdraelon, and others. These inland plains cover an area of about one million dunams; they require about 600,000 cubic metres of water for their irrigation.

The authors of this limited scheme confined themselves to no more than 60% of the irrigable area, of plain land and to a quantity of water which is available even at the most conservative estimate of water potentialities in Palestine. (Official and most conservative experts agree that at least two million cubic metres of water are available for agriculture and other uses.) An important feature of this development plan is the carefully worked out "water duty", which is not derived by a purely statistical average but is a directly computed sum of the quantity of water actually required by the various crops under the actual conditions of their growth, taking into consideration soil, climate, season and farm practice.

The development area under consideration in this most recent scheme contains at present 45,000 farm units, Jewish and Arab, in the approximate proportion of 1 to 2. The plan envisages the establishment of an additional 50,000 farm units on the same area, bringing the total to about 100,000 farming families. In addition there would be about 25,000 to 30,000 families in this area engaged in other rural occupations. A comparison of the value of the agricultural output from the area in question, at prewar prices, before and after development will illustrate clearly the resulting change. While the present value of the farm output of the area is about five million pounds, the estimated value of the future output is about eighteen million pounds. The net income of an Arab farm, which paid no rent or interest, was authoritatively estimated at between 30 and 40 pounds in prewar years, while the development scheme provides for a net income



of 60 pounds at prewar prices in the first stage of the plan, which will grow to 100 pounds in its final stages. In the case of a mature Jewish farm, this net return is now about 100 pounds to 120 pounds at prewar prices if the farmer practices irrigation and mixed farming. In the Jewish section, the development plan is mainly designed to increase the number of farms, the principle of intensification and diversification having been now well established. It is of course to be expected that, in the long run--as farm practices are perfected-- the average income per Jewish farm unit will also rise.

As I have stressed earlier, we asked that this development plan be prepared within the general framework of the Hays-Savage Report, into which a series of regional or local water projects can fit at various stages. These water projects would be capable of functioning separately to a large extent. The linking of regional water projects insures their advantageous functioning and collateral safety in that each can, when necessary, rely upon the surplus water reserve of the other. This fact becomes of the utmost importance when it is considered that both water resources and rainfall are evenly distributed in the country. The Hays-Savage design permits great elasticity in the carrying out of the work in such stages. Working schemes, balance sheets of the different types of farms and estimates of production have all been prepared, and-- provided a market for the produce is assured by new urban development-- the whole scheme is economically sound.

We consider it dangerous to neglect the market factor in planning for agricultural improvement. Our plans are very cost-conscious, and therefore we must emphasise that the presence of a large number of new consumers is a pre-condition for the full utilisation of the agricultural resources of Palestine. Modern agricultural development depends upon urban development. For that reason, I said in my statement before the Anglo-American Committee that the whole discussion of the quantity of water is not relevant to the present proposal made by the Jewish Agency with regard to the immigration of the first million Jews. Even the limited scheme designed by our Agricultural Experimental Station provides for more additional irrigated land than would be needed to meet the agricultural needs of an additional Jewish immigration of one million persons. As shown in our memoranda submitted to the Anglo-American Committee, the quantity of irrigated land needed for an additional Jewish population associated with one million immigrants is about 650,000 dunams and the quantity of water needed is about 450,000 cubic metres. These quantities of land and water are certainly available. There is no question that Palestine has far more land and water than are required for a Jewish immigration of one million. Serious disagreement is possible only if we consider significant multiples of one million.

#### Immigration and Long-Term Development

This brings me to the ten years' scheme of absorbing one million Jews into Palestine. My colleague Mr. Bernstein has explained to you the development possibilities of industry. Industry and agriculture are the main cornerstones upon which we have built our scheme for the economic development of the country and absorption of one million Jews. The details of the scheme were given in testimony by Mr. Hoofien before the Anglo-American Committee (see THE JEWISH CASE, p.494). May I also draw your attention to the books Palestine Problem and Promise, by Messrs. Nathan, Gass and Creamer, and The Outline of A Plan for Jewish Palestine, by Mr. Gruenbaum. The former is a searching review of our development problems and possibilities by three independent American economists; the latter is a parallel study by a Palestinian economist associated with the Agency's planning work. We have built our blueprints for the absorption of one million Jews (during a period of ten years.) upon past experience, upon research and planning. We know that the experience of life will be more varied than we can take into account fully even in our most judicious blueprints. Our planning is correspondingly flexible.

The Government of Palestine discloses a basic lack of understanding of the fundamental nature of our work in Palestine when it accuses our Jewish economic system of exclusive racialism. At the same time, the Government engages in unfounded innuendo when it states that it is inconceivable "that a civilised society consisting of a privileged group and a balance of hewers of wood and drawers of water should be delib-



orately constructed under international agreement." A society divided along national lines into privileged and exploited is exactly what we have tried and succeeded in avoiding. We Jews hew our own wood and draw our own water.

It is impossible to understand the Palestine problem (and Zionism) if one does not understand our conception that we are trying in Palestine not only to find a haven for refugees but to re-establish a Jewish Nation. We must do our work of national building with our own hands; our national home can not be based on the exploitation of another people. The Government policy derives from entirely false premises and could only result in failure when it conceives, as a common end, a unitary Palestine and not cooperation between two equal peoples, two nations-Jewish and Arab. There is no lack on our side in desire and effort to achieve cooperation, but only on a basis of Jewish nationhood in Palestine. Government policy has been unwilling to encourage this development. At best the Government has, in principle, been neutral towards our efforts, but de facto often hindered them.

Mr. Horowitz in his evidence explained to you the occupational structure of the present Jewish population of Palestine. About 47% are occupied in primary and secondary industries, and about 53% in tertiary occupations. We Jews have not infiltrated ourselves into the existing Arab economy. We have already built a new entity, more or less upon the pattern of Western economic life. From the economic point of view we are already, as Mr Shortok put it, a nation in the making. The ten year plan provides for the further and faster development of the present trends.

We believe that the economic and social foundations laid by us are sound and the possibilities for great expansion are there, provided proper conditions are forthcoming. We are strengthened in that belief by postwar developments here. Two years have passed since the termination of hostilities. We have had to face quite a number of difficult problems. Like other countries engaged in the war effort, Palestine was confronted with the tremendous task of readjusting its economy from war conditions to the requirements of peace. But our task was not limited to preserving our economic equilibrium and safeguarding the standard of life of our people. Our economy is a dynamic and expanding one, governed by the clear objective of absorbing new immigrants. During the years 1945-46, in accordance with Government quotas, 36,000 Jewish immigrants were absorbed into the country, and this task was successfully solved in addition to the re-absorption of almost 26,000 Jewish men and women demobilised from the armed forces. The adjustment of Palestine's economy to these needs took place under adverse political conditions which are not without repercussions on the economic life of the country; restriction of immigration, terror, reprisals, martial law, Arab boycott and curfew. All these formidable obstacles had to be overcome.

Moreover, while in other countries the task of postwar reconstruction was considered as the main purpose of the Government in the period of transition, and all endeavours of Government were directed towards this end, here the Government was largely indifferent to this problem and concentrated its activities mainly on the prevention immigration and the maintenance of the political status quo. Neither the foreign trade policy nor the foreign exchange policy of the Government of Palestine has been governed by the objective of fostering the economic development of the country to carry out the purposes for which the Mandate was entrusted to the United Kingdom; quite other considerations have been determinative. As a result, we had to work under conditions of unnecessarily high costs. We had to carry out our economic development tasks in an unorganised economy, with a quite unnecessary degree of inflation, bringing a vicious spiral of soaring wages and prices. Despite these necessary and unnecessary difficulties, I dare say that we succeeded to a considerable extent, and we have tried to prove our success in the memorandum on the Reconversion of Palestine which has been submitted to you. Our economy is continuing to expand, though with certain important structural shifts due to the reconversion of war industries; citriculture and construction-both hard hit by the war- are progressing rapidly; mixed farming is growing in all its branches. Even in these two difficult and hard years, we have therefore strengthened and expanded our



economic position, and we have correspondingly strengthened our belief in the feasibility of our large development scheme.

#### The Financing of large Scale Development

The ten year plan calls for large finances and for Government authority. In our presentation to the Anglo-American Committee, and in the books mentioned above, this problem of financing is discussed in detail. The question was also discussed in great detail in negotiations with the Anglo-American experts in connection with the recommendation to bring 100,000 Jewish refugees to Palestine as soon as possible. The experts then reached the conclusion that the immigration and integration of this 100,000 would cost a sum of 70 million pounds or about 700 pounds per head. We believe that this amount is perhaps a little too high even under current high cost conditions; in any case, only about half of the funds for the first 100,000 would be required in the first year.

The cost of absorbing immigrants before the war was between 200 pounds and 300 pounds per capita, but the index of cost of living has now risen to about 275 and that may explain the figure fixed by the experts of about 700 pounds per head. However, we are discussing a ten year plan, and no one can give an exact forecast of the price structure and price development in the coming ten years. It is reasonable to expect however, especially upon the strength of our experience here after World War I, that prices in Palestine will adjust themselves to the international price level. An average price level of 50% higher than the prewar figure is perhaps a reasonable expectation. That means, as Mr. Hoofien put it, that we may have to mobilise, invest and spend during these ten years a sum of about 400,000,000 to 450,000,000 pounds. We have tried to outline the different sources for mobilising these funds; savings of the Palestine Jewish economy, immigrants' capital, investment from Jews abroad, Zionist funds, sterling balances abroad, non-Jewish foreign investments, German reparations, international bank loans, etc.etc.

The question of international participation was discussed last year in connection with the above mentioned proposal of the 100,000 Jewish immigrants. The Government of the United States promised then to contribute its share. During my latest visit to the United States, I again discussed the possibility of an international loan provided there is a favourable political decision. During the same visit I was strengthened in my estimate of the participation of Jewish private capital in the building up of Palestine; the interest of world Jewry in Palestine is tremendous. I regret to say that the results of our activities with regard to reparation funds were less successful; for the moment only some tens of millions of dollars are assured to Jewish organisations for the resettlement and rehabilitation of displaced persons, whereas our estimate of looted Jewish property runs into several billions of dollars.

Last year was quite a promising year as regards Zionist funds. Upon the request of the Anglo-American Committee, I placed before them some figures about the financial activities of the Jewish Agency and the other principal Jewish institutions (see p.152 of THE JEWISH CASE). The total expenditure of the main Jewish bodies for the period 1917 to October 1945 was 45 million pounds. From October 1945 to September 1946 the same bodies spent in Palestine an additional 12 million pounds. The total expenditure of these bodies therefore came to about 57 million pounds. Of this total about 21 million pounds was spent for the purchase of land and agricultural settlement, more than 10 million pounds for education and cultural activities; about 5 1/2 million for immigration about 5 million pounds for national organisation and religious and cultural institutions; about 5 million pounds for urban settlement, trade and industry and urban investments; about 4.6 million pounds for health and social services; about 3 1/4 million pounds for public works, labour and housing; and about 2.6 million for administration and miscellaneous. The income of these institutions reached a figure of 53 million pounds. Of this the Jewish Agency and its financial instrument, the Palestine Foundation Fund, had an income of 26.5 million pounds and spent 29 million pounds. The Jewish Agency spent about 9 million pounds for agriculture alone.

In addition to this capital brought into the country by the principal Jewish institutions (though about 10% of the above sum comes from



Palestine itself), about 125 million pounds of capital has been brought in by private Jewish individuals and companies. Of this total, about four-fifths was brought in during the period between the Great Wars.

I would, however, be doing this Committee a disservice if I were to give you the impression that the sizeable capital sums which Jews have brought into Palestine during the past quarter century have served Jewish purposes alone. On the contrary, we have been contributing capital on a very large scale to the Arab community of Palestine. During the past fiscal year, 1946-1947, we Jews contributed about 8 million pounds to the Arab community of Palestine through the Government fiscal mechanism alone. Though Arab wealth has increased markedly during recent years, the Jewish community's share of total taxes continues to rise. In 1946-47 the Jewish contribution to Government revenue was more than three times that of the Arabs. Even the wealthiest Arabs pay very little in taxes. It is this financial contribution which has made possible a standard of social services (education, health, etc.) for Palestine Arabs far above those of any Arab country. We anticipate that, as our development plan proceeds, we shall continue to bring financial and economic benefits to our Arab neighbours. We regard it, however, as an elementary right that, in the future, such benefits be realised in a framework which takes due account of our own needs.

The Government, in its statement advocates "the willingness of each to contribute according to his means and the need of the other". We accept this, as a general principle. But a fair evaluation of means and needs is imperative to a just application of this principle. We question the evaluation implied by the Government's statement. We Jews have always to consider not only the needs of the existing population in Palestine (and we have also in our community many under-privileged) but also the needs of our people abroad. In accordance with official statistics, of 7,851 Jewish immigrants during the year 1946 only ten persons with two dependents brought 1,000 pounds or more per capita; 99% of the immigrants now arrive in Palestine penniless. They are the victims of the war and of Nazi persecution. We have to care for their human rehabilitation and economic intergration. The reason for the large collections of funds in Jewish communities in all countries are to settle new immigrants, to expand the country's economy so that more newcomers can be absorbed, and not to support the established population in Palestine. These are the needs which have first claim on our attention.

I do not under-estimate the magnitude of the financial problem of the year before us, but the upbuilding of Palestine should not be discussed merely as an economic and financial problem. It is a great human problem for all peoples of the world; for us it is a question of the revival and survival of the Jewish people, and who is able to appraise the cost of the survival of a people?

Mr. Chairman and gentlemen: The economic evidence of the Jewish Agency has tried to show you the Jewish achievements in Palestine and the possibilities latent in this country. This is a small country, but at a time when the whole world became too small for those Jews fleeing from Nazi persecution Palestine alone was large enough to provide them with a haven and a home. Palestine is our home, our only home. The Jews need Palestine, and Palestine needs the Jews.

I hope, Mr. Chairman and gentlemen, that during your visits you were able to see the spirit of the people behind these achievements. We have had to overcome great difficulties. Only the belief in national revival, in an economic democracy, enabled us to overcome these difficulties. I ask to be permitted to finish my evidence with the same words that I used in my statement before the Anglo-American Committee. "Return to us confidence in humanity and international responsibility. We need this confidence to strengthen us in the unequalled effort of reviving a good but badly neglected land and the remnant of an ancient people. The land and the people are bound together."



Mr. Chairman and Members of the Committee:

I have to present, on behalf of the Jewish Agency for Palestine, some of the economic aspects of the case in which the judgement of the United Nations has been invoked by the Mandatory Power. Any such presentation should, it seems to me, be preceded by several general observations:-

1. In reviewing the past, it should be borne in mind that the determining element in the history of the British Mandate in Palestine has been a vast discrepancy between the ascertainable purposes of British Palestine policy and those of the Jewish Community of Palestine. The Jewish Community here (or Yishuv, as we commonly refer to it) has accepted as valid objectives of public policy only the purposes laid down in the Balfour Declaration and subsequently embodied in the terms of the Mandate, while the Mandatory has often created its own national and imperial objectives as primary. This discrepancy of purposes was not too conspicuous during the first ten years of the Mandate. It was perhaps ill-understood on the part of the Jews and became only gradually more distinct, and was clearly revealed finally in the White Paper of 1939. Though not unaware of the effort made by some elements in the British Government to place ever more restricting interpretations on the obligations of the Mandatory Power towards the Jews, world Jewry nevertheless remained convinced, that, on the ground even of the 1922 White Paper, no restriction could be placed on Jewish immigration and Jewish development other than that naturally imposed by the rate of progress of the economic absorptive capacity of the country. But those elements in the British Government which became clearly dominant in 1939 had in view, as in the meantime has become abundantly clear, a limitation of Jewish development which expressed in demographic terms meant to prevent the growth of the Jewish population of Palestine beyond about a third of the total population.

There are, it is true, some doubts about the exact number of the Arab population as estimated by Government statistics, the source of estimates in rural Arab districts being only unverified statements of mukhtars, but it may be assumed that in actual fact the one third limit has not been seriously transgressed. However this may be, it is quite natural, that so striking a difference between the purposes of the Mandatory Government and those of the Jewish people caused friction, steadily growing in intensity, between the Jewish National bodies and the Jewish Yishuv on one side, bent on development as comprehensive as possible, and the British Central Government and the Palestine Administration on the other side. The Palestine Administration contemplated with increasing disquiet the progress of Jewish development, which necessarily would bring about much earlier than thought desirable the somewhat dreaded moment when the appropriate Jewish population limit, as envisaged by the British Government, would be reached and the freezing-up of Jewish development would have to be enforced.

Our attitude to the economic and fiscal policy of the Government, largely critical it must be admitted, is the inevitable result of the discrepancy of purposes indicated above. Jews regarded themselves as entitled to an economic policy actively furthering the Jewish colonisation effort and the development of the National Home and to a fiscal policy employing the gradually growing taxable capacity of the Jewish Yishuv for the benefit of those who were creating that capacity by their labour and investments as well as for the benefit of those large sections of world Jewry who needed and desired to emigrate to Palestine. The British Government used and uses Jewish tax money largely for Arab development. The Mandatory could not conduct the economic policy required by the interests of building up the Jewish National Home without speeding up a process which even without the help of an adequate Government economic policy went at a pace much too stormy for the aims of British Palestine policy.

2. Inquiries into the economic possibilities of Palestine, conducted by experts and commissions at various stages of Palestine development, seemed initially to be genuinely concerned with the gravely-doubted ability of the Jews to build up a National Home. But in the course of time such inquiries, as far as they were official, became increasingly governed by the political objective of proving that the absorptive capacity of the country could not be considerably increased and that therefore Jewish immigration ought to be severely limited. Consequently we Jews went to



great pains in order to prove that we could achieve something in the fields of colonisation and upbuilding, and that an adequate development policy would secure a productive self-supporting livelihood for a great number of additional Jewish immigrants, without displacing a single Arab. There were of course differences in the estimated numbers, according to some necessarily hypothetical elements in the estimates. But the numbers of even cautious estimates were rather impressive.

By now the manifold apprehensions of inquiring experts have proved unfounded. The Jews have shown some measure of ability in the field of agricultural and urban colonisation. Considerable numbers of immigrants were absorbed long after British statesmen had expressed the opinion, that the economic absorptive capacity of the country was entirely exhausted. No Arabs have been displaced. But now the British Administration sees the main danger precisely in the Jewish ability for colonisation and even more in the objective possibilities, no longer to be doubted, of developing the absorptive capacity of the country to such a degree, that additional numbers of immigrants to a total most frightening to the British Administration, could be absorbed.

From the purely political point of view now adopted by the British Administration instead of the economic argumentation earlier adhered to, anything said about the economic aspects and prospects of Jewish colonisation can be construed as proving the need to halt, if need be artificially, a development which, on the strength of its economic possibilities, would open vast future perspectives.

Nevertheless we believe it our duty, to place the economic facts, as we know them, and the economic possibilities as we see them, before your Commission.

3. The promise contained in the Balfour Declaration seemed to provide the enterprise of Jewish colonisation with what it needed most: a firm political basis, consisting (a) of the recognition of the political aims of that colonisation by the Power ruling the territory, (b) a governmental Administration acting in consonance with the recognised aim and the main purpose which caused the Mandate for Palestine to be entrusted to Great Britain.

Though the fundamental discrepancy between the aims as understood at the time of the Balfour Declaration and those of the actual British Palestine policy revealed itself distinctly only at a relatively late stage of development, it became clear already in the first years of the Mandatory regime that the confidently expected political basis was lacking in both respects. The political aim ostensibly recognized was subject to a series of interpretations gradually emptying it of its original meaning. The Palestine Administration, barely tolerating the Jewish colonisation effort instead of assisting it, seemed chiefly concerned with what was explained as the protection of the Arab population from the dangers threatening them, in the freely expressed opinion of the Administration, from Jewish colonisation.

The consequences of this lack of the political basis initially hoped for were far-reaching in many respects, more particularly in the economic field.

Jewish colonisation, i.e. the total economic activities bringing about the absorption of Jewish immigrants into the economic structure of the country, instead of being supported by adequate political conditions, and consequently being freed from any consideration with regard to their political effect, had to be instrumental in regaining or acquiring the political basis which had been lost or perhaps never really existed. This reversal of the necessary relation between political basis and economic colonisation forced Jewish colonisation in the necessity of seeking a maximum of autonomy and thus, from the outset, introduced an element of mutual suspicion into the relations between Jews and the Administration. And, still more important, Jewish colonisation and Jewish enterprise had to observe, with regard to the Arab population a measure of exclusivity, which would not have been necessitated to such an extent by the mere requirements of a national colonisation, had political conditions not been so very adverse.

It is true that the Arab population nevertheless derived immense advantages from the Jewish colonisation. But what Arab goodwill towards



the Jews could have been obtained as a result of these economic benefits was, in large part lost due to the lack of a more direct economic cooperation and due to the fact that those benefits were represented as the gift of a protecting Administration, which by the attitude of protector denounced Jewish colonization as harmful and dangerous to Arabs.

After these introductory observations, I propose to request your attention to some of the main problems besetting Jewish colonisation in the field of urban and industrial development, agricultural colonisation being dealt with by my colleague, Mr. E. Kaplan.

While the Jewish Agency concentrated, for both ideological and practical reasons, during the first two decades after the British occupation, mainly on agricultural colonisation, urban and industrial development was left on the whole to private initiative. The beginnings were certainly modest, but it is an error to believe that Jewish industry was established only during the war. The output of Jewish industry and handicrafts in 1936 already reached a net value of £9,109,000; of this total, £7,887,000 was contributed by "factories" proper (viz, enterprises employing more than 10 hired workers.) But it is true that industrial development made exceptionally great strides during the war years. This rapid progress was due to two main factors. The war situation necessitated the provision of the local population and of the Middle East armies with commodities locally produced as far as possible. For once, and as far as war necessities were concerned, the Government assisted industrial development with all available means. The Jewish population of Palestine, owing to experience gained in Europe, was able to develop the required industries. The isolation of the Middle East, caused by the war and by the diversion of the resources of the old industrial countries to war purposes, fulfilled the function of a protective tariff, behind the walls of which young industries had developed in most countries.

I do not want to tire you by figures and facts which have been provided to you, I hope not too abundantly, in writing. But I should like to say a word about the specific problems of this development.

As a matter of course, industrial development in Palestine is not an isolated case. It is part of what might be called the migration of industry from the old industrial countries to colonial or semi-colonial territories. The case of Palestine, within this movement, is somewhat irregular in character and certainly in intensity, but it is nevertheless part of this general movement. Its significance is not always fully understood, especially not by economically backward populations who will ultimately be its main beneficiaries. Those populations, and especially their ruling classes, still labour under the illusion that political independence can be gained by diplomacy and maintained without an adequate economic basis. The illusion is understandable, since the so called diplomatic victories can be won, sometimes, rather easily while the prerequisites of full economic, and especially industrial development are not quickly and not easily acquired. The introduction of modern industry into the Middle East by the Jews means, in this respect a unique chance, since they are sufficiently equipped to perform the task and vitally interested in performing it. The same cannot be said with regard to any other factor inside the Middle East or outside it. The Jews are therefore, though the dominant social group in the Middle East are slow to recognize this - by their industrial achievement and example, laying the only really solid basis for a measure of independence of the Middle East from imperial domination by great powers whose primary economic base lies elsewhere.

Industrial development in Palestine has to struggle with great disadvantages. In the beginning no one thought it possible, or even desirable, and the Jews themselves regarded it rather as an unimportant sideline. The Mandatory Government certainly accepted this general view most gratefully, not being interested in the general movement of migration of industries into colonial territories, nor in quick increase of the Jewish population of Palestine. The preservation of Palestine in a state of patriarchal somnolence, which means the preservation of its economic structure as a country of rather primitive agriculture, seemed at the time the main idea of dominant elements in the Palestine Administration.

Nowadays industrial development is largely dependent on the economic policy of the Government, especially on its policy of customs tariffs, import licencing, exchange control, and taxation. This does not mean that even the most favourable Government policies can build sound industries. But Government policy can greatly hamper and almost prevent



industrial development. Palestine has been, in this respect, extremely ill fated, the famous - or infamous - paragraph 18 of the Mandate (much more carefully respected than some other paragraphs of the Mandate) having been interpreted to deprive the country of any possibility of preventing it from becoming the dumping place of industrial produce of all industrial countries, especially Germany and Japan. As a consequence of the absence in Palestine of a well conceived trade policy designed to protect and foster the rational development of industry, the few industries which try tentatively to supply the local market which gradually became significant as the result of immigration, were confronted by crushing competition of foreign import made cheap, in many instances, by export premiums or similar measures. The question of industrial exports did then not yet exist, but in the field of citrus export the obnoxious influence of that paragraph 18 was severely felt. It established the most favoured nation principle unilaterally with regard to all countries then members of the League of Nations (and even for countries like Japan, who had flouted the authority of the League but maintained friendly relations with the United Kingdom), and it deprived Palestine of every possibility of concluding trade agreements with other countries securing equal treatment and adequate outlets for its own produce. The Anglo-American Enquiry Commission has pressed the obnoxious effect of this paragraph (on pages 12 and 33 of their Report).

The customs tariff of Palestine is built on purely fiscal lines. Some raw materials have been exempted, after many representations, from customs duties, but there is still a rather impressive list of raw materials and partly finished industrial products on which duties are levied while local industrial products are in no way protected, even modestly, by tariffs. During the war additional duties were introduced, but again in accordance with the purely fiscal aim, indiscriminately on dutiable raw materials, half finished industrial products and consumer goods alike. The financial results are important. Government income from custom duties rose from LP 2 million in 1939/40 to LP 11 million in 1946/47. It should be noted that some essential commodities not produced in Palestine pay high duties, as sugar 43%. So do some industrial products not made in Palestine as motor cars, tractors and typewriters.

Since the war the Government policy of granting (or withholding) import licences forms a very important part of Government economic policy. In its effect on the Palestine economy, it is complementary to customs policy and even supersedes it to some extent. This matter is complicated by monetary problems, such as the protection of the pound sterling and the rate of release of Palestine-held sterling balances. Agreements with regard to "loading areas" (the permitted sources of imports) too play a part. Both questions will be touched upon shortly in another paragraph. Meanwhile it should be stated that import licences have been granted with special liberality for industrial consumer goods that were also produced in this country at a time when it was clear that the transition from war economy to peace economy would severely test the staying power of the young Palestine industry. At the same time the Government displayed no concern whatsoever about providing us with imports of raw materials and machinery at low world-market prices. We are, in fact, being asked to meet the impact of world competition with our hands tied. Can there be any wonder that there is a growing suspicion among the Jewish business community that the Government of Palestine is deliberately attempting to stifle our young industry?

As every protection tends to pamper industry and to delay the introduction of efficiency, so the opening up of the country to foreign competition can have salutary effect. Palestine industry is now, however, being exposed to that cure somewhat recklessly, and it cannot be denied that the transition period causes many difficulties. In some branches, medium and small plants will have to combine or to coordinate their production. In some instances new plants now being built will ensure still better finishing processes. The establishment of marketing companies for some kinds of industrial produce is also contemplated. In any case, it seems improbable that any important part of our industry will succumb or that the industrial expansion now in progress will be thwarted. But great difficulties will have to be overcome, and many of these difficulties are unnecessary and are connected with the unconstructive character of Government economic policy.

In the first place the high cost of labour stands in the way of



Palestine industry becoming fully competitive with that of the old industrial countries. Now that cost of labour may seem to be an entirely internal affair not dependent on Government policy. But the high wages prevailing are partly due to the labour market having been virtually closed by the severely restrictive immigration policy of the British Government and partly - even for a greater part - to the high cost of living prevalent in Palestine, one of the worst heritages of the war. There has been much discussion about how this high price level has come about, how prices could have been prevented from soaring sky-high and how they could be lowered. We have come to the conclusion, which lately seems to have been partly accepted by the Administration too, that the high cost of living is chiefly caused by the fact that Palestine is obliged to buy some of the most essential foodstuffs and cattle fodder from the high priced areas of the Middle East. Lowering the cost of living will not be possible, to any important extent, unless Palestine gets access to the low priced countries exporting foodstuffs and unless Palestine is able to buy these commodities at the same prices as the U.K.; the United Kingdom now allocates to itself supplies at half the price of the supplies that it allocates to Palestine.

This lowering of the prices we have to pay would be partly a matter of change in agreements about loading areas. Partly it would depend on the full availability of Palestine earnings in hard currency, especially dollars, for Palestine purchases.

Palestine has earned during the years 1940/46 165,088,000 United States dollars, of which 98,182,000 so called gift dollars, provided by American Jewry to funds for upbuilding Palestine, and 66,906,000 from exports to the U.S.A., especially polished diamonds. This total all went, in the first instance, to the United Kingdom. Neighbouring countries got dollar allocations from Britain far in excess of their own earnings. So, in fact, Jewish dollar earnings were transmitted to Arab countries boycotting Jewish produce. The Jewish Agency has been allowed to use gift dollars for the requirements of the Yishuv under such restrictions that in actual fact about two third of the gift dollars have gone to the London pool. Therefore, by her control of our dollars and our imports, the United Kingdom has, in fact, been exploiting Jewish Palestine on a very large scale. The hope that the United Nations will be in a position to end this exploitation - which is certainly very far from the purposes for which the Mandatory system was established. It is not yet clear at all, what amounts of hard currency and sterling will be available for the Palestine economy in the future, but experience has taught us that in the case of Palestine lack of an independent bargaining position has allowed the British Government to let political considerations and the interests of the U.K. override those of Palestine in general and of the Yishuv in particular.

There are, of course, some additional basic factors, affecting not only industrial development, but in different degrees all branches of economy. I would like to mention here the high cost of oil and oil products, determining to a great extent the price of electricity, industrial power and cost of transport. When twenty five years ago the economic possibilities of Palestine were under discussion, it was always stressed that the prospects needs must be poor, since Palestine did not possess coal or such water resources as would enable the generation of power. Meanwhile one of the most potent sources of power became available on the spot in practically unlimited quantities, oil. But Palestine does not get this oil at cost price plus normal profit.

We are charged for benzine, excluding excise duty, at Haifa 190 mils per 4 gallons (18.2 litres), as against a price of 104 mils for exactly the same oil cif U.K. ports, thus including freight and insurance. Fuel oil costs at Haifa LP 4.800 per metric ton as against LP 2.950 for exactly the same oil sold at Haifa port for bunkering. Gas oil is sold in Haifa at LP7.350 per ton, in Haifa port for bunkering at LP4.429. I hope you will pardon me for giving you some figures for once, but you will easily imagine how great is the hampering effect on Palestine development of such exaggerated prices and profits being charged for the main source of industrial power. The differences of price as specified above are the more striking since Palestine oil concessions have been granted to oil companies at so fantastically favourable conditions (exemption from all existing and future Government and municipal taxes, exemption from paying customs duties on goods brought in by the concessionaires, expropriation by Government of land needed; freedom to import workers; no effective obligations as to sell-



ing prices in Palestine; no obligations to sell by-products in Palestine) that the Permanent Mandates Commission before the war criticized those concessions as being too favourable to the concessionaires and too unfavourable to Palestine. The British Government has, in fact, a large interest in the petroleum business of the Middle East and great influence even over the companies in which it has no ownership participation, but the position of the British Government has not been used to protect Palestine from monopolistic extortion.

The usual assumption that the development of industry is impossible without large natural resources of raw materials has been belied in Palestine, though not there alone. Enterprise, ability, the skill of workers, experience, and scientific training, together with a burning and all-pervading desire to create new possibilities of living are of far greater importance. But an economic policy, conducted by a sympathetic government, bent on furthering that development instead of viewing it with apprehensive suspicion, would greatly facilitate and speed up a process which until now, the war years excepted, had to rely only on the driving force of private initiative undeterred by whatever difficulties.

Theoretically the future possibilities of industrial development in Palestine are nearly unlimited, the more so since space, so essential for agriculture, is less vital for industry.

But the major policy of the British Government, resolved to keep the growth of the Jewish population within the limits of a number of clauses, does affect our growth possibilities very seriously. A continuation of that policy would deprive industrial development of the expanding home market urgently needed, both as the necessary basis for an export industry and for the additional workers, who are required for industrial development.

In connection with industrial exports, a single observation may be made with respect to the Arab boycott. We believe that those who advised the Arab governments to resort to this boycott did singularly bad service to the Arab cause, not so much because Arab consumers are being deprived of some goods which they used to buy for their own advantage and not for that of the sellers, but because the real Arab interest lies in an industrial center being established in the Middle East. It can never be or become a watertight center, even if the Jews wished it to become so and must needs have a beneficial influence on general economic development in the Middle East. But then politics are often short sighted, and they are ruled more frequently by passions than by clear reasoning. The effect of the Arab boycott can never be what it was meant to be according to its sponsor: to destroy the economic basis of the Jewish Yishuv. It has not remained, of course, without some adverse effects, but they are certainly not decisive and new export markets have been opened up to Jewish industrial products. But can it not be imagined that the British Government might have been able to protect the interests of a population entrusted to its care, and assailed by such a boycott, by other measures than some very belated, very weak, very reluctant, and manifestly ineffective declarations? The British Government has, in fact, treated the boycotting countries with every conceivable indulgence. In 1945, before the boycott, Palestine bought from the high-price Arab Middle East countries (apart from petroleum) some £ 4,237,000 of goods more than she sold them; in the following year -- the first of the boycott -- Palestine, under British trade exchange controls, bought from the boycotting countries £ 7,334,000 more than she sold them. The boycotters received a reward of some £ 3,100,000 in increase in Palestine's net payments to them. Palestine had dollars to buy the same goods elsewhere far more cheaply, but British controls deprived Palestine of the use of these dollars. The dollars were transferred to the boycotters by the sterling pool. Is there any wonder that the boycotting countries believe that powerful forces in the British Government approve of their action?

It would perhaps be worth while to devote part of this short survey to the fiscal policy of the Palestine Government and its influence especially on Jewish development in this country. Also it might be of value to say something about a question apparently puzzling the Government itself: how it is possible that Palestine could accumulate sterling



balances amounting to some 150 million pounds, while the value of imports has exceeded those of exports almost during the whole period of the Mandatory regime by one third and more?

But both questions would involve a rather complicated analysis of figures. I am afraid it would be a too tiring procedure. We are prepared to give any information on those subjects, if desired, in writing. At present, I would like to content myself with two general remarks.

It has often been contended that the structure of Jewish economics in Palestine is essentially weak, because a too important part of the outlay is covered by Jewish contributions received from abroad. As far as these moneys are used for investment purposes, there is certainly no reason for apprehension, it being clear that colonisation in Palestine is not possible without large capital import whether this be private or public capital. It is only the use of these contributions, as they indeed are partly used, for services, which could elicit unfavourable comment. However, it should be remembered that the Jewish Yishuv pays at least 70% of the Government budget, that is in the present financial year something like £ 18 million. Of this sum, admittedly a very small part is returned for Jewish services, whilst the balance, as far as not needed for direct administration expenses of the Government, goes to the Arab sector. It can be assumed, in all confidence, that the Jewish economy could largely cover the expenses of its own services by local income, were it not obliged to pay so largely for non-Jewish needs. And I believe it can be stated in truth that foreign Jewish contributions, as expended on services, make up only part of the sums extracted from the Jewish Yishuv for non-Jewish purposes.

As regards the seemingly so unfavourable balance of trade, it should be understood that in a country of colonisation the difference between balance of trade and balance of payments must be great, since a considerable part of the import in goods, paid by capital import, is spent on investment and development purposes. The situation would become dangerous if the consumption and services of the settled population of the country were partly paid for out of import of capital, but the accumulation of balances in London alone proves that this cannot be the case.

There is an additional reason why I do not want to analyse government budgets and balances of payments before your Committee. This might have been necessary if I thought that the case to be judged were essentially an economic one. If it ever was, it has ceased to be so, I am afraid, long ago. We are confronted with the puzzling situation that what was demanded from us at earlier stages, namely to prove the economic possibilities of Palestine colonisation, is by now largely used against us because we have proved them. The issue has now become visibly what it, in fact, always has been: whether the Jewish people will be given the opportunity to build up a future in which the famous four freedoms are not only a figure of speech, or not. We do not really understand the motives of those who want to cut off our development. If there are really conflicting interests, and I doubt it, it should be remembered that there are conflicting interests everywhere in the world, and wisdom can only decide what solutions are most promising of peace and development. As to the moral issue it should not be forgotten that whatever claims of other interested parties may be, the Jewish people in its effort to build up its national future in Palestine, is fighting for life in the most primitive sense of the word. All others concerned are, at best, fighting for power. We trust that the moral issue will be decisive in the judgment of the United Nations.

---