



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
908

Jewish Agency, United Nations Special Committee on Palestine
majority-minority reports, undated.

THE RECOMMENDATIONS OF THE UNITED NATIONS
SPECIAL COMMITTEE ON PALESTINE.*

A.

THE MINORITY RECOMMENDATIONS.

The minority recommendations (those of the representatives of India, Iran and Yugoslavia), like those of the majority of the Committee, recognize the necessity of early independent statehood for Palestine, but they propose in effect to make of Palestine an Arab State with a small Jewish province autonomous in *purely local affairs*. This is so, notwithstanding that the recommendations propose to divide the country nominally into Jewish and Arab "states." The proposed Jewish State would not have any of the essential attributes of true statehood. These are all reserved to the federal government which would inevitably be Arab. The Jewish State would not have control of its own immigration or fiscal policies. Indeed, it would in effect be closed to further Jewish immigration at the end of three years. It would have no power with regard to the development of the country, except locally. It would offer no solution to the tragic need for Jewish immigration and resettlement. Actually, the proposals of the minority of the Committee meet none of the fundamental requirements which any acceptable solution of the Palestine problem must meet.

The minority's constitutional scheme provides for a federal government with a Head of State, an executive body, a representative federal legislative body composed of two chambers, and a federal court. The Executive is to be responsible to the legislative body. The Head of State is to be elected by a majority vote of both chambers of the legislative body in joint session. He is therefore always sure to be an Arab, as we shall see. One chamber of the legislative body shall be elected on the basis of proportional representation of the population as a whole. Since this population is two-thirds Arab and only one-third Jewish, this means that this chamber is bound to have a preponderant Arab majority at all times. The other chamber of the legislature is to be elected on the basis of equal representation of the Arab and Jewish citizens of Palestine; in other words, a bi-national or parity chamber. This means that that chamber would be subject to all the risks, or even certainties, of stalemate and inability to act which would characterize a completely bi-national or parity state in Palestine, as shown above. However, the scheme of the minority of the Committee is much worse than the scheme for a parity state, since legislation under the scheme of

* This is a reprint, by permission, of chapter VIII and of the Conclusion of a Memorandum entitled "The Basic Equities of the Palestine Problem", by Simon H. Rifkind, Chairman, Jerome N. Frank, Stanley H. Fuld, Abraham Tulin, Milton Handler, Murray I. Gurfein, Abe Fortas and Lawrence R. Eno.

the minority could be enacted only "when approved by majority votes in both chambers" of the legislature.

The minority members of the Committee evidently recognized that this legislative scheme would result in hopeless stalemates. They therefore propose further that in the event of disagreement between the two chambers of the legislature, the issue should be submitted to an arbitral body of five members, composed of one representative from each chamber of the legislature, the Head of State, and two members, other than members of the federal court, to be designated by that court in such manner as to ensure that neither the Jewish nor Arab community shall have less than two members on the arbitral body as a whole. The arbitral body would thus always have an Arab majority. Even its minority of Jewish members would necessarily be handpicked by the Arabs under the constitutional scheme proposed.

All controversial legislation—which in Palestine would mean all legislation that is really of importance—would under this scheme be held up almost indefinitely, and in the end would have to be enacted, if at all, by the vote of the Arab controlled arbitral body.

However, it is provided that no proposed legislation could come before the arbitral body until at least one chamber of the legislature had voted in its favor. If neither chamber voted in favor of any proposal, it could never come before the arbitral body at all. This would mean in effect that the arbitral body would never even have the opportunity to pass on the question of Jewish immigration, which is reserved by the scheme to the federal government. For, things being what they are in Palestine, it cannot be expected that the legislative chamber having an Arab majority would ever pass a law permitting Jewish immigration. And the second chamber, in which the Arabs would have an equal number of representatives with the Jews, would be deadlocked on any such question, just as in a parity state. The minority proposals, therefore, really provide for the complete stoppage of all further Jewish immigration into Palestine after a transitional three-year period.

During this transitional three-year period, Jewish immigration is to be permitted into the small Jewish State alone in such numbers as not to exceed its absorptive capacity, with due regard, moreover, for the rights of the existing population within that State and their anticipated natural rate of increase. There is also a provision that an international commission, composed of three Arabs, three Jews, and three United Nations representatives, shall be appointed to estimate the absorptive capacity of the Jewish State during such three-year period. But this is at best an arrangement for only three years; and assuming even that a majority of the United Nations representatives on the proposed commission would always side with the three Jewish members, it would mean at the most an additional Jewish immigration into Palestine

no larger than could be absorbed by the small Jewish State *in the present undeveloped condition of the country as a whole* during the next three years; after which all power regarding immigration even into the Jewish State would be vested in the federal legislature, whose membership would be heavily weighted against allowing any further Jewish immigration whatever.

The minority scheme furthermore provides that full authority shall be vested in the federal government with regard, among other matters, to currency, taxation for federal purposes, foreign and interstate waterways, transport and communications. We have shown in our discussion of the proposal for a bi-national or parity state how vital these matters are to the development of the absorptive capacity of the country for new immigration, and how the two elements of the population of Palestine would be inevitably deadlocked on such matters for that reason and also because of their different traditions, habits and outlooks upon life. Under the proposed minority scheme these deadlocks would be even more certain to occur than in a parity state. The arbitral board would in all probability never have a chance to resolve them since it is unlikely that either of the proposed legislative chambers could ever muster a majority in favor of any proposal consonant with the Jewish desire for increasing the absorptive capacity of the country and for its general development to a different and higher level from that which would content the Arabs.

The minority scheme furthermore provides that the Arab and Jewish States shall have authority over the right of *residence, commercial licenses, land permits, grazing rights, interstate migration, settlement*, social institutions and services, public health, local roads, etc.

This would seem to mean that the Arab State, for example, could exclude any Jew from residing or doing business in it, even though he is now, and for a long time has been, settled within its proposed boundaries.

The minority scheme provides for a federal court of appeal regarding constitutional matters. Its members, however, are to be elected by both chambers of the federal legislative body in joint session and must include not less than four Arabs and three Jews. The court would thus obviously always have an Arab majority which would be inclined to sustain the Arab as against the Jewish point of view on any controversial question affecting the respective rights of the two communities or their members.

Finally, the all-important matters of national defense, administrators and administration would, under the minority scheme, be controlled by the Arabs. This would ensure that regardless of what guarantees were written into the constitution, or passed by the legislature, their implementation would be according to Arab ideas, prejudices and desires. The Jewish minority with its nominal but unrealistic state

would have precisely no more rights or security than if the Mufti and his gang were now to be authorized by the United Nations to take over Palestine and rule it as an absolute Arab state. For this is in effect what the proposals of the minority of the Committee provide. Indeed, the minority frankly say that:

“The federal state solution would permit the development of patterns of government and social organization in Palestine which would be more harmonious with the governmental and social patterns in the neighboring states.”

In other words, the minority solution would make of Palestine another absolute *Arab State with Arab governmental and social patterns.*

The utter and complete unacceptability of these proposals to the Jews is so plain as to need no further argument.

B.

THE RECOMMENDATIONS OF THE MAJORITY.

It is evident that these recommendations, proposed by the representatives of Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay, represent a statesmanlike and sincere effort to provide a workable compromise solution of the difficult and complex Palestine problem. Too high praise cannot be given its proponents for the spirit of fairness, justice, humanity and impartiality which obviously motivated them.

The solution in effect would partition Palestine into independent democratic Jewish and Arab States within specified boundaries, to be set up in two years, with a provision for economic union and cooperation between them. A district of Jerusalem, including Bethlehem as well, would be excluded from the boundaries of both the States and set up as a separate government unit under a non-Palestinian governor, who would be neither an Arab nor a Jew.

150,000 Jewish immigrants from Europe are to be admitted into the area of the proposed Jewish State during the next two years and thereafter at the rate of 60,000 a year until the Jewish State is set up. Each State would then have plenary control of its own immigration, land settlement, and all other affairs generally, excepting only matters relating to customs, currency, operation of railways serving both States, interstate highways, postal, telephone and telegraph services, the ports of Haifa and Jaffa, and joint economic development, especially in respect of irrigation, land reclamation and soil conservation.

These matters would be regulated by a treaty between the two States providing for the economic union of Palestine as to them; and

a Joint Economic Board, consisting of three representatives of each of the two States, and three foreign members appointed by the Economic and Social Council of the United Nations, would be established and have power to organize and administer, either directly or by delegation, the objectives of the Economic Union. Each of the States is to bind itself to put into effect the decisions of the Joint Economic Board. These decisions are to be taken by a majority vote. However, the Board is not to undertake the joint development projects which it is to plan, investigate and encourage, except with the assent of both States and the City of Jerusalem.

The proposals further provide for a common customs tariff, with complete freedom of trade between the States and the City of Jerusalem. The tariff schedules are to be drawn up by a Tariff Commission consisting of representatives of each of the States in equal numbers. In case of disagreement or failure to approve any tariff schedule by a date to be fixed, the matter shall be settled by arbitration of the Joint Economic Board.

The treaty between the two States shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within their respective borders.

The boundaries of the two States are indicated. As drawn, these boundaries ensure that the majority of the population of the Jewish State shall from the outset be Jews, especially in view of the fact that the approximately 100,000 Jewish residents of Jerusalem would apparently have the right to vote in the elections of the Jewish State although not resident therein. With the additional 150,000 Jewish immigrants who are to be admitted into the area reserved for the Jewish State within the next two years, and thereafter at the rate of 60,000 per year until the Jewish State has been set up, the Jewish population of the proposed Jewish State would constitute a preponderant majority of its inhabitants from the beginning, although the State would have a substantial Arab minority. Full protection, however, is to be guaranteed for the minority populations of both States by their respective constitutions. Once set up, the Jewish State would be free to admit and would, of course, admit at least as many more Jewish immigrants as its economic absorptive potentialities would from time to time permit.

It is evident that the majority solution, while providing for Jewish immigration and a Jewish National Home, cuts down still further the territory in which the internationally covenanted Home is to be established—cuts it down to approximately one-half of what it is under the Mandate. And, as we have already pointed out, the territory reserved for that Home under the Mandate is less than one-fourth of the territory promised by the Balfour Declaration. In other words,

the majority proposals would finally confine the Jewish National Home to less than one-eighth of the territory originally set aside for it—to some 5,000 square miles out of the 45,000 square miles of Palestine as it was up to the unilateral setting up of the Arab Kingdom of Trans-Jordan by the British in 1946. The proposals in effect call for a third partition of Palestine so far as concerns the Jewish National Home—the first having been made when the boundaries of the country were established by the Anglo-French Boundary Commission of 1921, and the second by the cutting off of Trans-Jordan from the Jewish National Home provisions of the Mandate in 1922.

Nevertheless, the majority proposals do meet at least two of the fundamental requirements of any just solution from the Jewish point of view, provided the area of the proposed Jewish State has been made adequate to absorb the essential large-scale Jewish immigration into Palestine. These two requirements are, as we have seen, (1) insurance against governmental or administrative obstacles to immediate and continuing large-scale Jewish immigration, and (2) the establishment of a Jewish self-governing Commonwealth in Palestine. It would seem clear that the proposed Jewish State would be free from governmental or administrative obstacles to Jewish immigration into its area, and that such immigration could start at once and thus help solve the urgent and tragic problem of the displaced and uprooted Jews in Europe. The proposed Jewish State would also have most, if not all, of the attributes of sovereign statehood.

The majority proposals would also at once remove and wipe out in the area of the proposed Jewish State the present discriminatory and offensive anti-Jewish land settlement restrictions. They would furthermore result in the definite termination at an early date of the unsatisfactory mandatory regime. Lastly, they would bring finality to the festering situation now prevailing, and thus conduce to the peace and progress of the entire Middle East.

As to the adequacy of the area of the proposed Jewish State, we have no sufficient technical knowledge and competence to express an opinion. The Jewish Agency for Palestine will doubtless have views upon this subject based on more expert and complete study and knowledge than are within our province or capacity. We do, however, venture to raise at least a question as to the proposal to exclude the *entire* City of Jerusalem and Western Galilee from the boundaries of the Jewish State.

Regarding Jerusalem, there can be no dispute as to the propriety of entrusting the Old City, containing the Holy Places, to the custody of an international trustee. The Old City, however, is a unit by itself, surrounded by ancient walls. Around this Old City the Jews have in the last twenty-five years built up a modern new city which now has a population of approximately 90,000 Jews and relatively few non-Jews,

and which constitutes an almost compact unit. This new city includes the central Jewish National and Religious Institutions—the headquarters of the Jewish Agency and Zionist Organization, the General Council of Palestine Jews, the Chief Rabbinate, the Hebrew University, the Jewish National Library, the great Hadassah Hospital, and various foundations established by Jewish communities throughout the world. The question therefore arises whether the nearly all-Jewish City of Jerusalem outside the Old City walls could not properly be included within the area of the proposed Jewish State without in any way violating or interfering with the principle that the Holy Sites, sacred to Moslem, Jew and Christian, and the Old City in which they are located, should be excluded from the Jewish State and administered together with Bethlehem by an international trustee.

As to Western Galilee, it should be observed that the French Government in 1921 agreed that the territory should remain in Palestine, and not be included in French mandated territory, expressly in order that it should constitute a part of the National Home for the Jewish people under the terms of the Balfour Declaration. It thus seems paradoxical that this territory should now be excluded from the proposed Jewish State.

This territory is mountainous and sparsely settled. We recognize that today its population is preponderantly Arab. But the territory is deemed capable of being developed so as to support a large additional population by the employment of very substantial non-profit yielding capital sums and modern scientific methods. The Jews would so develop this territory for the benefit of all its inhabitants. If included in the proposed Jewish State, it would obviously provide a more adequate area for the economic absorption of the hundreds of thousands of Jews who so ardently wish and, indeed, must go to Palestine. On the other hand, it is doubtful if the inclusion of Western Galilee in the Arab State will be of much benefit to it.

CONCLUSION.

Every consideration of fairness, equity and law supports the case for a Jewish State in all of Western Palestine. This and more was what was promised by the Balfour Declaration. This was the pledge of the world community in the League of Nations Mandate. On the strength of these commitments, Jews the world over have lavished their labor and money to rebuild their Homeland. They have diligently endeavored to avail themselves of the opportunity extended by these international compacts. Had not the Mandatory interposed the obstacles and restraints of the indefensible White Paper of 1939, the goal repeatedly assured—majority Jewish status in Palestine—would now be closer to

attainment if not already attained. There would be alive today as happy members of a flourishing community, many of those whom Hitler exterminated.

In the spirit of compromise, the Jewish Agency in February 1947 expressed its willingness to accede to a partition of Palestine and the establishment there of a viable Jewish state in an adequate area of the country. This proposal would at least bring finality to the present impossible situation without ignoring Jewish needs and sacrificing Jewish rights altogether. A fair partition will satisfy in reasonable measure the aspirations of both the Jewish and the non-Jewish populations of Palestine. It will open the doors to the Jews of Europe, Africa and Asia who look to Palestine as the only land where they can renew and rebuild their lives. It will provide the Jews in Palestine with an international status, permitting them to join the councils of the family of nations—as a member and not as a suppliant for a hearing.

Cardinal to any partition is the establishment of boundaries which will allow for large scale Jewish immigration and the creation of an absorptive capacity of the new Jewish State to meet present and future Jewish needs. A state which has no living space would be a cruel mockery. A state adequate in area for Jewish needs and aspirations will bring to a close the unhappy chapter in world history which opened with the advent of Hitler, proceeded with the unjust and unforgivable 1939 White Paper and has culminated in the unbearable tensions and dangers of today. Such a state will start a new and glorious chapter in which hundreds of thousands of unfortunate Jews can end their miserable wanderings and become rooted in the land of their forbears—the Homeland of their prayers, their dreams and their free choice.

With such a State once sanctioned by the United Nations and immediately implemented by this international body—the present tensions and difficulties should evaporate and peace again reign in the Holy Land. Such a solution will be supported by world public opinion, as it was by the Government of the United States in 1946. Given the opportunity, the Jews now and in the future in Palestine will meet the challenge—peacefully, constructively and fairly, consonant with their rich traditions and their genius for home-building.