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Jewish Agency, United Nations Special Committee on Palestine,
text of report on Palestine, 1947.

Conflicts Between Arabs and Jews Are Analyzed by Investigating Body of the United Nations

Continued from Preceding Page

peace in Palestine," and was not applicable to the normal processes of the administration of justice in Palestine.

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

(g) Expression of Concern over Acts of Violence

59. The members of the committee discussed at the fourteenth and fifteenth meetings their concern over the acts of violence committed since the arrival of the special committee in Palestine and recorded their sense that such acts constituted a flagrant disregard of the appeal made in the resolution of the General Assembly of May 15, 1947.

Work of the Committee in Beirut

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

61. At the fortieth meeting it was decided to refuse the application for hearing of a private party to the committee had come to hear the views of the Arab states and not of private individuals.

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

Work of the Committee in Geneva

(a) Hearings and Petitions

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

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

(b) Visit to Displaced Persons' Camps

65. At the first meeting in Geneva the committee also took up the question of a visit to displaced persons camps, a matter which had been already discussed in both Lake Success and Jerusalem, but upon which decision had been deferred. The discussion was continued at the next meeting, at which a representative of the Preparatory Commission of the International Refugee Organization appeared before the committee. The committee was appointed to formulate specific texts.

66. The committee was divided on the question of principle involved in such a visit. Some members expressed the view that the visit was unnecessary. It was common knowledge that the people in the camps wanted to go to Palestine, and the committee could add no new facts. Others felt that the committee should inspect the camps because it was obliged by its terms of reference to do so. The view was expressed by two members that it was improper to connect the displaced persons and the Jewish problem as a whole with the problem of Palestine, while a third felt that the committee's work had not yet reached a stage in which this relationship had become clear. A number of members indicated that they would not oppose a visit.

67. After discussion the committee voted, six in favor, four against, with one abstention, that a visit should be made to displaced persons camps. It was determined that the subcommittee (Subcommittee 3) should be composed of either the principal or alternate representative of ten of the eleven members, so as to permit work in Geneva to be continued in the absence of the subcommittee.

68. The subcommittee held two meetings on 31 July and 1 August. At the first meeting, Mr. J. D. L. Hood, the representative of Australia, was elected chairman. The subcommittee proposed for the consideration of the committee drafts of an interim report, a final reference, which were subsequently adopted at the forty-fourth meeting. The terms of reference read as follows:

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

69. The subcommittee visited from 3 to 14 August a number of these assembly centers in Germany and Austria. Its report was approved at the forty-fifth meeting, at which it was further decided that it should be attached as an annex to the report of the committee.

(c) Religious Interests and the Holy Places; the Status of Jerusalem

70. A special subcommittee (Subcommittee 4) consisting of the eleven alternate delegates was constituted to study the question of religious interests and holy places. The status of Jerusalem was also referred to the subcommittee.

71. The subcommittee met under the chairmanship of Mr. A. I. Spits (Netherlands). It proposed that certain stipulations relating to the holy places and religious and minority rights should be inserted in the constitution of the state, which would be created. Such stipulations have been inserted in the two plans which

are submitted to the General Assembly.

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

(d) Preparation of the Report

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

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

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

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

77. In the course of its forty-ninth meeting, of 29 August 1947, the committee considered the report of the drafting subcommittee and unanimously approved eleven recommendations to the General Assembly, the texts of which are

BRITISH SECURITY MEASURES IN STRIFE-TORN HOLY LAND



Residents of Jerusalem are rounded up and kept behind barbed wire when the authorities feel that disturbances are getting out of hand.

set forth in Chapter V of this report. A twelfth recommendation was made with two dissenting votes.

78. At the fiftieth and fifty-first meetings were approved the texts of the preface of the report and of two of the four chapters setting out the findings of fact of the committee (the others having been approved at previous meetings, except for the last section of Chapter I).

79. Finally, at the fifty-second meeting, the representatives appearing under the direction of Dr. Victor Hoo, the personal representative of the Secretary General, and Dr. Alfonso Garcia Robles, principal secretary, the committee expressed its deep appreciation of the unremitting and invaluable labors of the secretariat in organizing and coordinating the committee's activities, in furnishing research and technical data, in lending assistance in its meetings and in operating in the preparation of this report.

CHAPTER II

The Elements of the Conflict

A. GEOGRAPHIC AND DEMOGRAPHIC FACTORS

Physical Features

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

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

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

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

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

implied in the over-all irrigation scheme of Hays and Savage, which in its complete form provides for an annual supply of nearly 2,000,000 cubic meters of water actually reaching the fields. Perhaps the most that can be said at present is that Government estimates are based on the most extensive information available but may nevertheless be subject to revision in the light of further knowledge.

There is, however, no disagreement on the fact that Palestine is not very bountifully supplied with water and that its continued development depends on making the most of what water there is.

Other Resources

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

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

Population

(a) Population Statistics

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

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

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

(b) Immigration and Natural Increase

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

14. The Arab population has increased almost entirely as a result of an excess of births over deaths. Indeed, the natural rate of increase of Moslem Arabs in Palestine is the highest in recorded statistics, a phenomenon explained by very high fertility rates coupled with a marked decline in death rates as a result of improved conditions of life and public health.

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

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

(2) Apart from immigration, the Jewish population will increase at a slower rate owing to fertility rates which are already lower than those of Moslems and are considered likely to fall. Reductions in death rates among the Jewish population are also likely to be less than in the case of Arabs, since Jewish mortality rates are already low.

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

(c) Future Trends

16. These are dynamic elements in the problem of Palestine which have consequences for the future, and any consideration of the Palestine question must take them into account as a possible factor in the future population trends for Palestine have been made by Mr. P. J. Loftus, the government statistician, and published in Volume III of the "Survey of Palestine." This is the most complete demographic study that has yet been made of Palestine. In qualitative terms the main conclusions may be summarized as follows:

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(d) Distribution of Population

17. This potential increase of population in Palestine, independent of immigration, should be considered in relation to the area and resources of the country. Arithmetic density of population (i.e., average number of persons per unit area of land) is by no means a reliable guide to the ability of an area to support a larger population without a fall in the standard of life. However, it is not without significance if considered in relation to other physical resources. At the end of 1944, Palestine had a population density of 174 persons to the square mile (67 per square kilometer) of land. Excluding the Beersheba area, which is semi-desert, and nearly half the total land area, the density rises to 324 persons to the square mile (125 per square kilometer).

18. This high natural rate of increase has been explained by the fact that the population of Palestine was subject to a lower rate of natural increase than the rate observed in the Jewish community. It is suggested that the true rate of natural increase in the Jewish community is probably lower than the observed rate, owing to an influx into Palestine of young Jewish immigrants.

19. The age-sex composition of the population of Palestine is also of importance in connection with the problem of immigration. Previous to 1915 the population of Palestine was subject to a lower rate of natural increase than the rate observed in the Jewish community. It is suggested that the true rate of natural increase in the Jewish community is probably lower than the observed rate, owing to an influx into Palestine of young Jewish immigrants.

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mile (125 per square kilometer). This latter figure is a higher density than that of Switzerland and slightly lower than that of Italy. There are, of course, countries with much higher densities of population, but these are either agricultural populations with very low standards of living, as in parts of India, or else highly industrialized countries dependent upon their industrial resources, and in this connection it must be recognized that Palestine does not contain within its own borders any of the basic raw materials of modern industry.

21. The regional distribution of the population of Palestine is of great importance for the Palestine problem. The heaviest concentration is along the whole coastal plain from the Gaza area to Haifa, Galilee, the plain of Esdraelon and the inland area of the Jerusalem subdistrict are also fairly thickly populated. The central hill country north of the coastal plain, comprising the districts of Ramallah, Nablus, Jenin and Beisan is considerably less thickly populated, while to the south of the Jerusalem district, in Hebron and especially Beersheba

B. RELEVANT ECONOMIC FACTORS

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

The Two Economies

25. Although the total population of Palestine is less than 2,000,000 its economic life presents the complex phenomena of two distinct economies, one Jewish and one Arab, closely involved with one another and yet in essential features separate. Apart from certain parts of the country which are predominantly Jewish and others which are predominantly Arab in population, the two communities are not separated by any clear territorial divisions. It finds its expression in certain facts which may be briefly summarized as follows:

(1) Apart from a small number of experts, no Jewish workers are employed in Arab undertakings, and apart from citrus groves (where some Arabs work as seasonal laborers on Jewish farms), very few Arabs are employed in Jewish enterprises. Indeed, government service, the postal company and the oil refinery are almost the only places where Arabs and Jews meet as co-workers in the same organizations.

(2) There are considerable differences between the rates of wages for Arab and Jewish workers in similar occupations, differences in the size of investment and differences in the nature of the work. These differences are explained by lack of direct competition between the two groups.

(3) Arab agriculture is based on a considerable extent on cereal production and tends to be of a subsistence kind. Only about 20 per cent or 25 per cent of Arab agricultural production is sold on the market (excluding citrus). Jewish agriculture, on the other hand, is largely intensive and cash crop farming. About 75 per cent of Jewish agricultural production is sold on the market (excluding citrus). Jewish agriculture, on the other hand, is largely intensive and cash crop farming. About 75 per cent of Jewish agricultural production is sold on the market (excluding citrus). Jewish agriculture, on the other hand, is largely intensive and cash crop farming. About 75 per cent of Jewish agricultural production is sold on the market (excluding citrus).

the population becomes extremely sparse. In the vast area of the Beersheba subdistrict, however, there are about 90,000 Bedouin nomads.

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

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

THE FOLLOWING TABLE FOR THE YEAR 1944-45

VALUE OF AGRICULTURAL PRODUCTION FROM MAIN GROUPS OF CROPS IN THE DISTRICTS OF JAFFA, HAIFA AND JERUSALEM

CULTIVATION (In Palestine pounds sterling)

	Total
Grains	497,048
Vegetables	4,403,409
Fruit (excluding citrus)	5,113,431
Fruit (including citrus)	931,178
Other	56,847
Total	11,008,253

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Holy Land's Economy Discussed by International Committee in Light of Proposed Solution

Continued from Preceding Page

of industrial equipment was just over 1,000,000 (Palestine).

An index of employment in manufacturing industry in all communities shows the following trend:

Year	1939	1940	1941	1942	1943	1944	1945	1946	1947
Index	100	100	100	100	100	100	100	100	100

42. The industrial development is also reflected in the structure of imports in which raw materials play a greater, and wholly manufactured goods a lesser, part. In 1939 raw materials and unmanufactured articles were 10 per cent of total imports, while wholly manufactured goods were 64 per cent. In 1946 raw materials were 32 per cent of the total and manufactured goods 41 per cent.

(b) The Nature of Palestine Industry

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

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

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

46. According to the 1942 census of industry, 75 to 85 per cent of all persons engaged in industry were employed in Jewish-owned enterprises and about 90 per cent of the total number of workers in industry are Jewish. In the main, Jewish workers are employed in Jewish concerns and Arabs in Arab-owned industries, though there are a few exceptions to this. The most developed Arab industries are milling, tobacco manufacturing and some branches of the textile and metal trades. The purely Arab soap industry at Nablus is worthy of mention since its products are exported by two companies in countries outside Palestine. By and large, however, Arab industry in Palestine is much less developed and less capitalized than Jewish industry.

(c) The Concessions

47. A reference should be made to the electricity concession, the Dead Sea concession and the oil concession. Electric power is supplied to Palestine by two companies, the Jerusalem Electric Corporation and the Palestine Electric Corporation, which are operating under the terms of concessions, the former covering Jerusalem and the latter other areas in Palestine. The Palestine Electric Corporation was granted two concessions, one to the Mr. Phineas Rutenberg in 1921 for the purpose of utilizing the Ajuja basin for the purpose of supplying electrical energy and for irrigation within the Jaffa district, and the Jordan concession for the utilization of the waters of the River Jordan and its basin, including the Yarmuk River, for the purpose of supplying and distributing electrical energy in all Palestine and Trans-Jordan.

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

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

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

(a) The Main Features

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

52. From the beginning of the mandate until 1940 there was a great increase in the total foreign trade of Palestine. In 1922 total exports were \$4,000,000 (Palestine) and total imports \$5,700,000 (Palestine). In 1939 exports were \$5,100,000 (Palestine) and imports \$14,600,000 (Palestine). During the war the values of imports and exports rose, already owing to

price increases. The volume of trade only increased in 1945 and still more in 1946. Developments since 1939 are summarized in the table below:

Year	1939	1940	1941	1942	1943	1944	1945	1946
Exports	4,000,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000
Imports	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000

(Thousands of Palestine Pounds)

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

(b) Capital Imports

54. Palestine depends on foreign trade to secure, by import, food (especially wheat, meat and cattle fodder) raw materials, machinery and equipment which has been and is essential to its development. The finance of these imports is partly covered by exports. There remains, indeed, as a persistent feature, a remarkably large balance of imports over exports which is financed by imports of capital consisting mainly of funds coming from world Jewry, capital brought in by immigrants and funds coming to religious institutions.

During and since the war there has also been a very large military expenditure by the British Government. Largely as a result of this war expenditure, there is now a sterling balance estimated to be about \$125,000,000, held mainly by private Palestine citizens.

(c) Importance of the Middle East

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

(d) The Arab Boycott

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

The Wartime Inflation

(a) The Main Causes

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

Year	1939	1940	1941	1942	1943	1944	1945	1946	1947
Index	100	100	100	100	100	100	100	100	100

COST-OF-LIVING INDEX FOR PALESTINE (1939 = 100)

Year	1939	1940	1941	1942	1943	1944	1945	1946	1947
Index	100	100	100	100	100	100	100	100	100

MILLIONS OF PALESTINE POUNDS

Year	1939	1940	1941	1942	1943	1944	1945	1946	1947
Index	100	100	100	100	100	100	100	100	100

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

Year	1939	1940	1941	1942	1943	1944	1945	1946	1947
Index	100	100	100	100	100	100	100	100	100

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

(b) Wages and Prices

60. Wages in Palestine responded fairly quickly to increases in the cost of living as a result of the acute shortage of labor which had to be taken into account. The form of increases in basic rates and allowances directly linked with the cost-of-living index. Thus average industrial earnings increased 200 per cent and in the case of Jews by 258 per cent between 1939 and 1945. Earnings in some agricultural occupations increased even more than this and in the construction trades the increase in earnings of unskilled workers between 1939 and 1945 was 405 per cent in the case of Arabs and 329 per cent in the case of Jews. On the average, therefore, it seems that, despite the price increases, there was not much fall in real

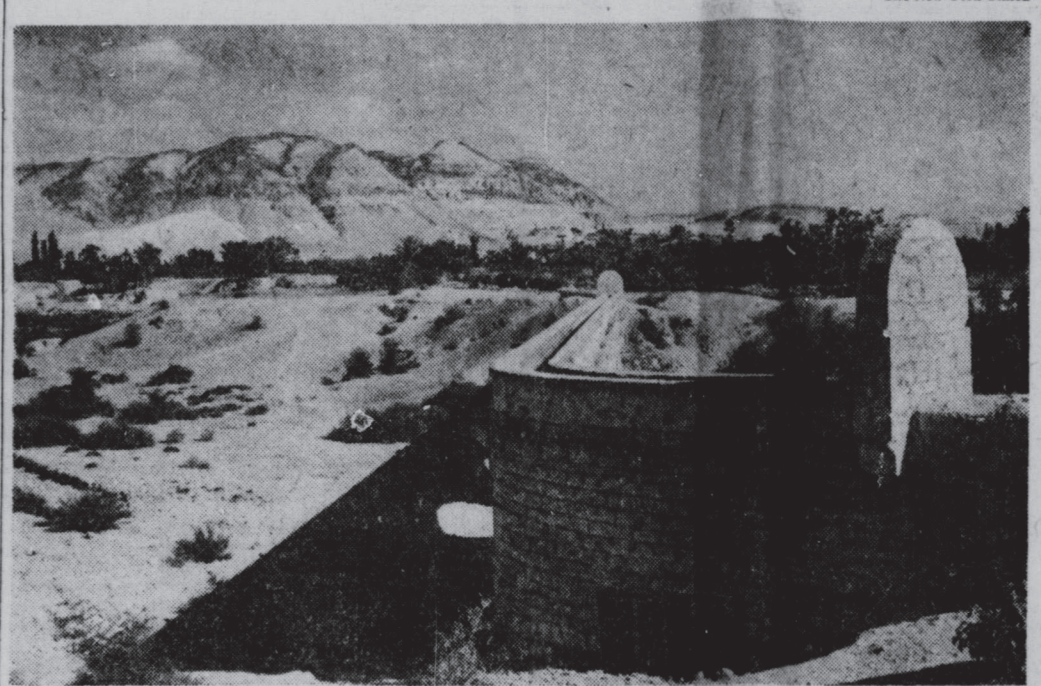
"Much of the Jewish capital imported into Palestine is in the nature of a free gift and concession to the Jewish community."

amortization charges. To the extent that gift amortization charges, it will be a factor in the future to meet debt charges.

IN THE SOIL THE JEW AND ARAB FIND SOMETHING IN COMMON



Jewish youths, trained in farming, marching during ceremonies opening a new development in Palestine



A bridged irrigation flume, near Jericho, carries water to Arab banana plantations and small farms

Associated Press

wages while for some groups of workers real wages actually increased.

(c) Agricultural Debt

61. One effect of the war-time price increases has been to reduce the cultivators of the burden of debt. An inquiry made before the war indicated that the average Arab cultivator was considerably burdened by debt, which in some instances amounted to as much as the cultivator's total annual cash income. At the same time the increased demand for labor offered an additional source of income, and in consequence the income and standard of living of many Arab producers have increased.

(d) Reconversion to Peacetime Conditions

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

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

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

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

C. PALESTINE UNDER THE MANDATE

2), taken together with the proviso in the Balfour Declaration reproduced in the preamble, "it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine" and the similar proviso of "insuring that the rights and position of other sections of the population be prejudiced" (Article 6).

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

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

(5) The responsibilities regarding the holy places (Articles 13, 14).

70. Under Article 25 of the mandate, the mandatory power, with the consent of the Council of the League of Nations, was empowered to withhold, in the territories lying between the Jordan and the eastern boundary of Palestine, applica-

which some 68 per cent were Arab, 21 per cent Jewish and 10 per cent British (reduced to some 4 per cent if police other than officers are omitted). Government posts of any importance, including those of the level of assistant district commissioners are held by British officials, though it was submitted in evidence to the committee that, since 1939, in accordance with the White Paper, attempts were being made to bring Palestinians into more responsible posts.

(Hearing of the representatives of the Palestine Government.)

73. In August, 1937, the Permanent Mandates Commission of the League of Nations pronounced in the course of its preliminary opinion to the Council on the Palestine Royal Commission (Peel) report, issued in June, 1937:

The present mandate became almost unworkable owing to the public declaration to be so by a British Royal Commission speaking with the twofold authority conferred upon it by its impartiality and by the opinion of the Government of the mandatory power itself.

74. In its own statement of policy issued simultaneously with the report of the Royal Commission, the mandatory power had found "drifted" to the conclusion that there is an irreconcilable conflict between the aspirations of the Arabs and those of the Jews in Palestine and "that these aspirations cannot be satisfied under the terms of the present mandate."

It is in the light of this background of deepening conflict, intensified by the events of the succeeding ten years, that the committee feels it proper to view the working of the mandate in Palestine.

The Jewish National Home and Arab Rights

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

76. Regarding the political implications of the term "national home," the finding of the commission is unequivocal:

We have been permitted to examine the records which bear upon the question and it is clear to us that the words "the establishment in Palestine of a national home" were the outcome of compromise between the Jewish and Arab peoples. The Jewish community which 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 have intended the establishment of the Jewish state. It could only undertake to facilitate the growth of a home. It would depend mainly on the zeal and enterprise of the Jewish people to become a state.

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

Unauthorized statements have been made to the effect that the purpose of the mandate was to create a wholly Jewish Palestine. Phrases have been used such as "Palestine is to become 'as Jewish as England is English.'" His Majesty's Government regard any such statement as an incorrect interpretation and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab delegation, the disappearance or the subordination of the Arab population, language or culture. Palestine would draw attention to the fact that the terms of the declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish national home, but that such a home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organization, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which will be a national development." When it is asked what is meant by the development of the Jewish national home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole but the further development of the existing Jewish community with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which will be a national development.

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

This definition of the national home has sometimes been taken to preclude the establishment of a Jewish state. But, though the phraseology was clearly intended to preclude, as far as might be, the establishment of a Jewish state, and in Churchill himself has been held as evidence that no such prohibition was intended.

79. While there have been grounds

for the thirty-nine present assistant district commissioners, one is an Arab and one is a Jew.

The White Paper of 1939, "His Majesty's Government adhere to this interpretation of the declaration and regard it as an authoritative and comprehensive description of the character of the national home in Palestine." (Cmd. 6015, Paragraph 6.)

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

Development of the National Home

80. In 1937 the members of the Palestine Royal Commission summed up their impressions thus: "Twelve years ago the national home was an experiment; today it is a going concern." Within the decade since their report was issued, the Jewish population of Palestine has increased from 400,000 to some 625,000. In place of the 203 agricultural settlements containing some 97,000, there are now more than 300 such settlements and small towns with a population of over 140,000. The larger towns and cities, the Yishuv (Jewish Community in Palestine) have likewise greatly expanded both in size and amenities.

In particular, Tel Aviv, with a present population of over 180,000, cannot but impress with its highly developed civilization, its cultural activities and other indications of a diversified community life. Remembering the deserted sand dunes from which Tel Aviv has sprung, one can understand well enough the pride which the Jewish community takes in its creation.

81. Membership in the Jewish community is virtually automatic for all Jews aged 18 or more who have lived in Palestine for at least three months. The whole adult community aged 20 or more participates in voting for the elected assembly from which is formed the Vaad Leumi (National Council). The Vaad Leumi maintains, almost exclusively from its own tax revenue and resources, in cooperation with other community organizations, the Jewish school system and a network of health and social services. Within the elected assembly are four representatives of diversified political opinions, including influential groups which do not fully share the official program of the Jewish Agency. Similarly, varied political opinion is expressed in the Histadrut (Jewish Federation of Labor), which includes in its membership of some 160,000 (approximately 75 per cent of the total Jewish working population) not only most industrial workers but farmers and professional workers.

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

83. The Yishuv (Jewish Community in Palestine) is thus a highly organized and closely knit society which, partly on a basis of communal effort, has created a national life distinctive enough to merit the title of "a Jewish state within a state." Proud of its own achievements in self-government and cultural life, it is sensitive to any apparent lack of appreciation of what it regards as its just and reasonable needs. Its confidence in the Jewish Agency and its initiative, purposiveness and self-reliance are reflected in the situation in which it finds itself under an "alien bureaucracy." Its memories of the Arab rising of 1936-39 and more recent anti-Jewish pogroms in Middle Eastern countries, coupled with the immediate background of Hitlerism, keep it constantly vigilant and alert.

A minority of Orthodox Jews, mainly belonging to Agudat Israel, and by their own initiative recognized and granted the right to receive revenue from the local community to maintain a Jewish religious and cultural life under the Jewish Community Regulations (1929).

84. The Jewish Agency, which in 1935 the total Jewish community services were more than \$5,000,000, of which \$2,000,000 was contributed by the Jewish community, 5 per cent from the government and the remainder from Jewish sources, is a body which is recognized as a public body for the purpose of advising and cooperating with the administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home, and the interests of the Jewish population in Palestine, and subject always to the control of the administration, to assist and take part in the development of the country, and to organize and maintain a Jewish community in Palestine, as long as its organization and activities are in accordance with the mandate and the policy of the League of Nations and the British Government.

85. By 1937 the total Jewish population had reached nearly 400,000. The first three years of the Nazi terror in Germany (1933-35) brought in some 135,000 immigrants. In 1936, however, there occurred incidents which grew rapidly into the widespread Arab campaign of terrorism and armed resistance directed both at the Jewish population, and the police and military of the administration.

It was in these circumstances that the Royal Commission in 1937 came to the conclusion that, in determining the volume of immigration "the principle of economic absorptive capacity" is at the present time an inadequate political and psychological factor should be taken into account."

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

(1) During the five years following 1939, providing economic absorptive capacity permitted, some 75,000 Jews in all were to be admitted; 10,000 in each year together with a further 25,000 Jewish refugees as soon as adequate provision for their maintenance could be assured. The intention of the mandatory power was to bring the Jewish population up to approximately 675,000 of the total population of Palestine.

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

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

87. The substance of the mandatory power's attitude may be gleaned from the following excerpt from the White Paper:

His Majesty's Government do not read either the Statement of Policy of 1922 or the letter of 1931 as implying that the mandate requires, in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the mandate which would require statements of policy to support the view that the establishment of a Jewish national home in Palestine cannot be allowed to be hindered indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and equally, if it has a damaging effect on the political position in the country, that is a factor that should not be ignored.

88. The White Paper of 1939 also substantially modified the policy of the administration toward Jewish immigration and settlement. Stressing the obligation under Article 6 of the mandate regarding the "rights and position" of non-Jewish sections of the population, the White Paper declared that:

The reports of several expert commissions have shown that, owing to the natural growth of the Arab population and the steady state in recent years of Arab land to Jews, there is now a certain amount of pressure on the transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created.

The White Paper's land policy was put into effect through the Land Transfers Regulations of 1940. Under the regulations the country was divided into three zones: in the first two (1), covering 95 per cent of the area of Palestine, the transfer of land to Jews by Palestinian Arabs was either prohibited or required the sanction of the Government; in the third (the "free" zone)—an area some 32,000 acres (5 per cent of the total area of Palestine), mainly in the coastal plain but including land around Jerusalem, all land purchase was restricted.

89. The White Paper of 1939 was

preoccupied with securing adequate defense for the national home.

Immigration and Land Settlement

84. When the mandate was first approved in 1922 there were only some 84,000 Jews settled in Palestine. While immigration was therefore regarded as essential for the growth of the potential national home, some form of control was necessitated by the proviso of Article 6 that the "rights and position of other sections of the population" were not to be prejudiced in consequence. The regulatory principle adopted by the mandatory power in 1922 was explained in the Statement of Policy (Churchill Memorandum):

"... Immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to insure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment."

This principle, later reaffirmed in Mr. Ramsay MacDonald's letter to Dr. Weizmann of 13 Feb. 1931, was accepted by the Zionist Organization in 1931 and was also endorsed by the Permanent Mandates Commission of the League of Nations.

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Earlier Attempts to Find Solutions for Holy Land Problem and Rights of Factions Reviewed

Continued from preceding page

considered at length during the thirty-sixth session of the Permanent Mandates Commission in June, 1939. The substance of its findings, as reported to the Council of the League, were:

(a) that the policy set out . . . was not in accordance with the interpretation which, in agreement with the mandatory power and the Council, the Commission had always placed upon the Palestine mandate;

(b) that, regarding the possibility of a new interpretation of the mandate, with which the White Paper would not be at variance, the members "did not feel able to state that the policy of the White Paper was in conformity with the mandate . . . while the members of the commission considered that 'existing circumstances would justify the policy of the White Paper, provided that the Council did not oppose the Arab leaders' . . ."

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

"(The White Paper) subjects the Jewish national home and Arab rule; it perpetuates the Jewish minority position; it places Jewish immigration at the mercy of the Arabs; in short, it envisages the termination of the mandate by jettisoning its primary purpose."

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

92. The consequent rising tension between the administration and the Jewish community was in no way eased by the announcement of the Biltmore Program adopted by the Zionist Conference in New York on 11 May 1942, which, inter alia, called for unlimited immigration and the general time to be established as Jewish commonwealth. From 1945 onward, the Jewish resistance to the enforcement of the White Paper was accompanied by increasing acts of violence, in 1946-47 culminating in the underground activities of the Irgun Zvai Leumi and the so-called Stern group. Since the July 1946 attack by terrorists on the headquarters of the administration secretariat in the King David Hotel, Jerusalem, representatives of the Jewish Agency and the Arab League have been time to time condemning terrorist activities and there have been some signs of active opposition to such methods on the part of the

over, the branch had widened so far that the administration found it necessary to arrest and deport 2,600 Jews, including four members of the Jewish Agency Executive.

93. Yet the present difficult circumstances should not distort the perspective of solid achievement arising from the joint efforts of the Jewish and Arab communities in laying the foundations of the national home. In 1937 the Royal Commission concluded that as far as immigration was concerned "the mandatory has so far fully implemented its obligation to admit to Palestine a substantial number of Jewish immigrants of a national home for the Jewish people in Palestine." At the same time the commission laid down its view regarding the future: "This does not mean that the national home should be crystallized at its present stage. It is the duty of the administration to facilitate the establishment of the national home, which would be justified in shutting its doors."

94. Two years later the White Paper expressed the conviction of the mandatory that the "desirability of a specified number of immigrants, the national home must be regarded as fully established. That policy, modified by the admission for the time being of 15,000 Jewish immigrants per month, should be the basis of the national home and the recommendation of the Anglo-American Committee of Inquiry for the immediate admission of 100,000 Jews, while in substance accepted in the mandatory power's constitutional proposals of 1946-47, was not put into practice. Similarly no effect has been given to the Anglo-American Committee's recommendation for the rescinding of the Land Transfer Regulations and providing for "freedom in the sale, lease or use of land irrespective of race, community or creed."

Rights and Positions of the Arabs:

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

96. Whatever the intended implication of "civil" rights, Arab leaders in Palestine have consistently denied the legality of the mandate and demanded cessation of Jewish immigration, independent

ence and full national self-government. Actions by the mandatory power and the Palestine administration designed to safeguard Arab rights under the mandate have thus tended to be judged in accordance with these unchanging criteria.

97. Setting aside these ultimate standards of reference for the moment, one may find in the record of the Palestine administration evidence of persistent effort to effect gradual improvement of the economic and social condition of the Arab population. In examining such evidence, particularly in regard to land utilization and agricultural development, due account has to be taken of the pioneer nature of the task which the administration faced.

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

98. At the same time one can well understand Arab criticism that more has not been done to accelerate the tempo of Arab development in economic and social affairs. It is pointed out that during 1944-46, for example, the government spent each year only some 3 per cent of its total expenditure on public health and less than 4 per cent of education. The government's responsibilities have been primarily directed toward the Arabs since the Jews maintain, at a very much higher per capita cost, their own community health and education services. Yet despite serious and recognized inadequacies in the health services, an improvement in the general health conditions of the Arab community is indicated in the substantial reduction of the child mortality rate during the past twenty years. In regard to education, the responsibility, which the administration has assumed, of eliminating illiteracy has by no means yet been discharged, and the government system of public education "still covers only some 57 per cent of Arab boys of school age and 23 per cent of the girls."

The criticism which the Royal Commission expressed at the lack of both primary and secondary, not to mention higher, education facilities for the Arabs would still seem to apply and the question as to the administration in the Arab community with the slowness of the progress that has been realized.

99. In view of the complexity of the issues, any general estimate as to the effects of the mandatory on Arab economic and social welfare is, at best, highly tentative. In 1937 the Royal Commission commented: "Our conclusion, then, is that, broadly speaking, the Arabs have benefited from the degree of material benefits which Jewish immigration has brought to Palestine. The obligation of the mandate in this respect has been so far fully implemented its obligation to admit to Palestine a substantial number of Jewish immigrants of a national home for the Jewish people in Palestine." At the same time the commission laid down its view regarding the future: "This does not mean that the national home should be crystallized at its present stage. It is the duty of the administration to facilitate the establishment of the national home, which would be justified in shutting its doors."

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

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

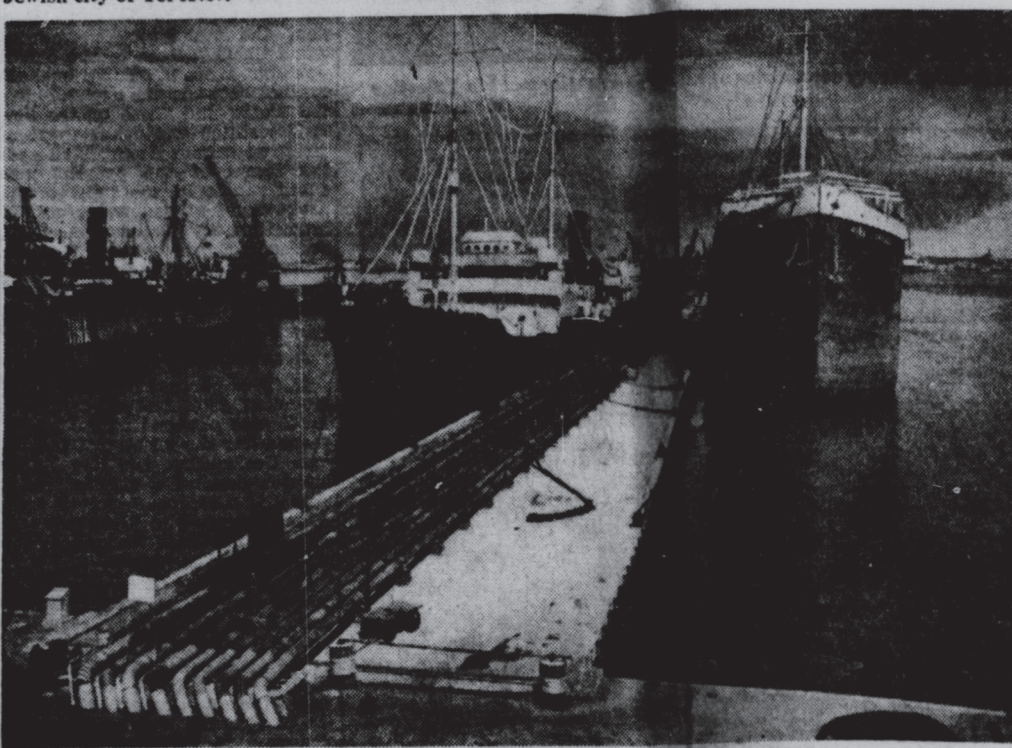
101. The mandatory power has attempted, within the limits of its interpretation of the "obligation" of the mandate, to provide some satisfaction of Arab political desires. Apart from steps taken to develop self-governing institutions, which clearly are of primary significance for Arab interests, administrative steps have been endeavored to foster representative institutions within the Arab community itself. Thus, in 1921, under an Order of the Administration, the Supreme Moslem Council was created for Arab plural of Waqf, Moslem religious or religious endowment, and Sharia (Moslem religious courts) affairs in Palestine. Again in 1923, the mandatory power proposed to establish an Arab Agency, which was to occupy "a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the mandate." The offer was unanimously declined by Arab leaders of the day on the ground that it "would not satisfy the aspirations of the Arab people."

102. The Royal Commission of 1936-37 were impressed by the fact that the Arab national movement . . . is now sustained by a far

OUT OF CONFLICT IN PALESTINE MODERN FACILITIES RISE



This \$3,000,000 housing project for former service men and immigrants has been erected in the all-Jewish city of Tel Aviv.



The waterfront at Haifa boasts of up-to-date shipping equipment.

more efficient and comprehensive political machine than existed in earlier years. The centralization of control . . . has now been as fully effected as is possible in any Arab country. All the political parties present a "common front" and their leaders sit together on the Arab Higher Committee. In this sense, as Moslems are represented on it, there is no opposition party.

103. Subsequent events have confirmed the trend which was realized in 1937 and again in 1939 on the question of the White Paper, differences emerged in the Arab Higher Committee. "By the beginning of 1935 some twenty elective municipal councils were in being and in the same year a municipal council composed of equal numbers of Arabs and Jews was established in Jerusalem." Whilst Jewish criticism complained of the restrictive limits imposed on their own municipalities, particularly in Haifa, by the local government, it is clear that the first steps had been taken to "encourage local autonomy" in accordance with Article 3 of the mandate.

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

105. Differences of approach and interest, sometimes on such a high level as that of Arab-Jewish relations, can be discerned, the more so from the strong pressure that is brought against them. In times of crisis, as in 1936-38, such pressure has taken the form of intimidation and assassination. At the present time non-conformity regarding any important question on which the Arab Higher Committee has pronounced a policy is represented as disloyalty to the Arab nation. The Arab community, being essentially agrarian, is loosely knit and mainly concerned with local interests. In the absence of an elective body to represent divergences of interest, it therefore shows a high degree of centralization in its political life.

Development of Self-governing Institutions and Local Autonomy

106. In its Statement of Policy of June, 1922, the United Kingdom Government declared: "It is the intention of His Majesty's Government to foster the development of a full measure of self-government in Palestine, but they are of opinion that the special circumstances of that country, this should be accomplished by gradual stages and not suddenly."

The mandatory power's attempts to introduce a measure of self-government in Palestine can be understood only within the context of divergent Arab-Jewish aspirations. In October, 1920, an Advisory Council was established, consisting of ten British officials, seven Arabs (four Moslem and three Christian) and three Jews. In 1922 the Palestine administration projected, as a first step toward the introduction of self-government, a Legislative Council

later in the year. In its constitutional aspects the plan provided for division of Palestine into four semi-autonomous areas, including an Arab and Jewish province, and a central government whose powers were to be exercised initially by a High Commissioner assisted by a nominated Executive Council. The provinces were to have only such powers as were expressly conferred, and authority in major fields was reserved to the central government.

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

115. On 7 Feb. 1947, the British delegation at the Anglo-Arab conference in London submitted a new proposal for a five-year British trusteeship over Palestine as preparation for independence. The proposed trusteeship agreement was to provide for a wide measure of local autonomy in Arab and Jewish areas, and the High Commissioner was to seek the formation at the center of a representative advisory council. After four years a constituent assembly was to be elected and, providing agreement could be reached between a majority of Arab and Jewish representatives respectively, an independent state would be established immediately.

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

The Present Situation

117. The atmosphere in Palestine today is one of profound tension. In many respects the country is under a semi-military regime. In the streets of Jerusalem and other key areas barbed wire defenses, road blocks, machine-gun posts and constant armored car patrols are routine measures. In areas of doubtful security, administrative officials and the military forces live within strictly policed security zones and work within fortified and closely guarded buildings. Freedom of personal movement is liable to be severely restricted and the curfew and martial law have become a not uncommon experience. The primary purpose of the Palestine Government, in the circumstances of recurring terrorist attacks, is to maintain what it regards as the essential conditions of public order and security. Increasing resort has been had to special security measures provided for in the Defense Emergency Regulations.

Under these regulations, a person may be detained for an unlimited period or placed under police supervision for one year by order of the military commander and may be excluded from Palestine on order of the High Commissioner. Where there are "reasons to believe that there are grounds which would justify . . . detention . . . or deportation . . . any persons may be arrested without warrant by any member of His Majesty's forces or any police officer and detained for not more than seven days pending further decision by the military commander. The regulations concerning military courts prohibit a form of judicial appeal from or questioning of a sentence or decision of a military court."

Under the regulations, widespread arrests have been made, and as of 12 July 1947, 820 persons were being held in detention on security grounds including 291 in Kenya under the Kenya Control of Detained Persons Ordinance, 1947. The detainees were all Jews with the exception of four Arabs. In addition to these, 17,873 illegal immigrants were under detention.

118. The attitude of the administration to the maintenance of public security in present circumstances was stated to the Committee in the following terms:

"The right of any community to use force as a means of gaining its political ends is not admitted in the British Commonwealth. Since the beginning of 1945 the Jews have implicitly claimed this right and have supported by an organized campaign of lawlessness, murder and sabotage their contention that, whatever other interests might be concerned, nothing should be allowed to stand in the way of a Jewish state and free Jewish immigration into Palestine. It is true that large numbers of Jews do not today attempt to defend the crimes that have been committed in the name of these political aspirations. They recognize the damage caused to their good name by these methods in the court of world opinion. Nevertheless, the Jewish community of Palestine still publicly refuses its

help to the administration in suppressing terrorism, on the ground that the administrative policy is opposed to Jewish interests. The converse of this attitude is clear, and its result, however much the Jewish leaders themselves may not wish it, has been to give active encouragement to the dissidents and freer scope to their activities."

119. There can be no doubt that the enforcement of the White Paper of 1939, subject to the permitted entry since December, 1945, of 15,000 Jewish immigrants monthly, has created throughout the Jewish community a deep-seated distrust and resentment against the mandatory power. This feeling is most ably expressed in regard to the administration's attempts to prevent the landing of illegal immigrants.

During its stay in Palestine, the committee heard from certain of its members an eye-witness account of the incident relating to the bringing to Haifa port under British naval escort of the illegal immigrant ship Exodus 1947. In this, as in similar incidents, the committee has noted the persistence of the attempts to bring Jewish immigrants to Palestine in spite of determined preventive measures on the part of the administration, and also the far-reaching support which such attempts receive from the Jewish community in Palestine and abroad.

The unrelenting struggle to admit further Jews into Palestine, irrespective of the quota permitted by the administration, is a measure of the rift which has developed between the Jewish Agency and the Jewish community on the one hand and the administration on the other. In the present state of tension little practicable basis exists for the discharge by the Jewish Agency of its functions under the mandate of "advising and cooperating" with the administration in matters affecting the interests of the Jewish community.

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

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

It was declared at the same meeting that "against a state established by violence, the Arab states will be obliged to use violence; that is a legitimate right of self-defense."

121. Arab resistance to Jewish political demands in Palestine has partly taken the form of the economic boycott of Jewish goods, decided on by a resolution of the Council of the Arab League in December, 1945. The boycott of the Arab states stressed in evidence of their solidarity.

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

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

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

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

125. It is the Jewish contention that the mandatory in Palestine became a trustee for the specific and primary purpose of securing the establishment of the Jewish national home by means of Jewish immigration, which must be facilitated, and by close settlement of the Jews upon the land, which

dence to the committee that the boycott would prove effective on the ground of the dependence of Jewish industry on the market of Arab countries. Within Palestine, though it would be difficult to estimate its present effectiveness, the boycott is regarded by the Arab leaders as an important means of furthering their political aims. During the Arab conference in Haifa in July, 1947, Jamal Effendi el Hussein spoke of the necessity of "strengthening the boycott in order to pull down Zionist existence" and "warned Arab merchants 'who did not observe the boycott, that the necessary measures would be taken to regard as 'traitors,' since 'the nation cannot keep patient over humiliation.'"

122. The view of the mandatory power on Arab-Jewish relations was given by the British Foreign Secretary in the House of Commons on 13 Nov. 1945, as follows: "The whole of Palestine since the mandate was created has been one of continued friction between the two races culminating at intervals in serious disturbances. The task of the introduction of the mandate it has been impossible to find common grounds between the Arabs and the Jews."

Yet, while recognizing that a political solution of the problem is not yet evident, the British Foreign Secretary stated that the obligations undertaken toward Arabs and Jews respectively would not seriously conflict. To many observers at the time, conclusion of the Faisal-Weizmann agreement promised well for the future cooperation of Arab and Jew in Palestine. If Arab protests and uprisings in the 1920's seemed to give warning of serious conflict, it was assumed, and repeatedly proclaimed by the mandatory power, that the necessary cooperation of Arab-Jewish cooperation would be found to bridge the gap between the two communities within the framework of the mandate.

123. In the circumstances of the mandatory regime that necessary measure of understanding between the two peoples has not yet been evident. The immediate and compelling reality is the constant pressure exerted by Arab and Jewish political leaders to maintain and advance their respective national interests. Yet there are those, both Jew and Arab, who believe in national cooperation, in mutually advantageous understanding, as circumstances permit, seek its promotion. Instances of cooperation and good neighborly relations in the affairs of everyday life may be observed. In the field of labor, joint Jewish-Arab strike actions have been common. On official bodies, such as the General Agricultural Council and the Chitrus Control and Marketing Boards, Arabs and Jews have cooperated in furtherance of a common interest.

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

D. THE CONFLICTING CLAIMS

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

The Jewish Case

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

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

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

129. It is the Jewish contention that the mandatory in Palestine became a trustee for the specific and primary purpose of securing the establishment of the Jewish national home by means of Jewish immigration, which must be facilitated, and by close settlement of the Jews upon the land, which

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

(b) The Jewish home and state the Arab population, which, as a result of accelerated Jewish immigration, would be a

Continued on the Following Page

Religious Aspects of Palestine Controversy Studied for Protection of Rights of Three Faiths

Continued from Preceding Page

immigration, will have become a minority population, will be fully protected in all of its rights on an equal basis with the Jewish citizenry.

Appraisal of the Jewish Case

135. Under the preamble of the mandate, the principal Allied powers agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a mandatory the administration of the territory of Palestine. They also agreed that this mandatory should be responsible for putting into effect the Balfour Declaration. Article 2 of the mandate made the mandatory responsible for placing the country under such political, administrative and economic conditions as would assure: (a) the establishment of a Jewish national home, as laid down in the preamble, and (b) the development of self-governing institutions.

The obligation to assure the establishment of a Jewish national home was qualified by Article 6, which made the mandatory responsible for the facilitation of immigration and the encouragement of close settlement on the land.

136. There has been great controversy as to whether the obligations relating to the national home and self-governing institutions were equal in weight and also as to whether they were consistent with each other. Opinions have been expressed that, between these two obligations, the mandate recognizes no primacy in order of importance and no priority in order of execution and that they were in no sense irreconcilable. According to other opinions, however, the primary purpose of the mandate, as expressed in its preamble and in its articles, was to promote the establishment of a Jewish national home, to which the obligation of developing self-governing institutions was subordinated.

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

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

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

140. The Jewish contention that the mandate intended that the natural evolution of Jewish immigration would ultimately lead to a commonwealth in which Jews would be a majority raises the question as to the meaning of "national home."

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

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

143. The statement recognized for the first time "the ancient historic connection" of the Jews with Palestine and declared that they were in Palestine "as of right and not on sufferance." It, however, excluded in its own terms "the disappearance or subordination of the Arabic population, language or customs in Palestine." "The imposition of Jewish nationality upon the inhabitants of Palestine as a whole," and made it clear that in the eyes of the mandatory power the Jewish national home was to be founded in Palestine and not in the Jewish quarter of Jerusalem.

"Zionism strives to create for the Jewish people a home in Palestine secured by public law in conformity with the policy therein set forth."

that Palestine as a whole was to be converted into a Jewish national home.

144. It should be noted here that this construction, which restricted considerably the scope of the national home, was made prior to the confirmation of the mandate by the Council of the League of Nations. It was formally accepted at the time by the Executive of the Zionist Organization in its capacity as the "appropriate Jewish agency" provided for in Article 4 of the mandate.

145. Nevertheless, neither the Balfour Declaration nor the mandate precluded the eventual creation of a Jewish state. The mandate in its preamble recognized, with regard to the Jewish people, the "grounds for reconstituting their national home." By providing, as one of the main obligations of the mandatory the facilitation of Jewish immigration, it covered upon the Jews an opportunity, through large-scale immigration, to create eventually a Jewish state with a Jewish majority.

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

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

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

149. This seems to have been the basic assumption, but it proved to be a false one, since the history of the last twenty-five years has established the fact that not only the creation of a Jewish state but even the continuation of the building of the Jewish national home by restricted immigration could be implemented only by the use of some considerable force. It cannot be properly contended that the use of force as a means of establishing the national home was either intended by the mandate or implied by its provisions. On the contrary, the provisions of the mandate should preclude any systematic use of force for the purpose of its application. In its preamble, the mandate states that the principal Allied powers agreed to entrust Palestine to a mandatory for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, and the guiding principle of that article was the well-being of the people who were to be governed by it.

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

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

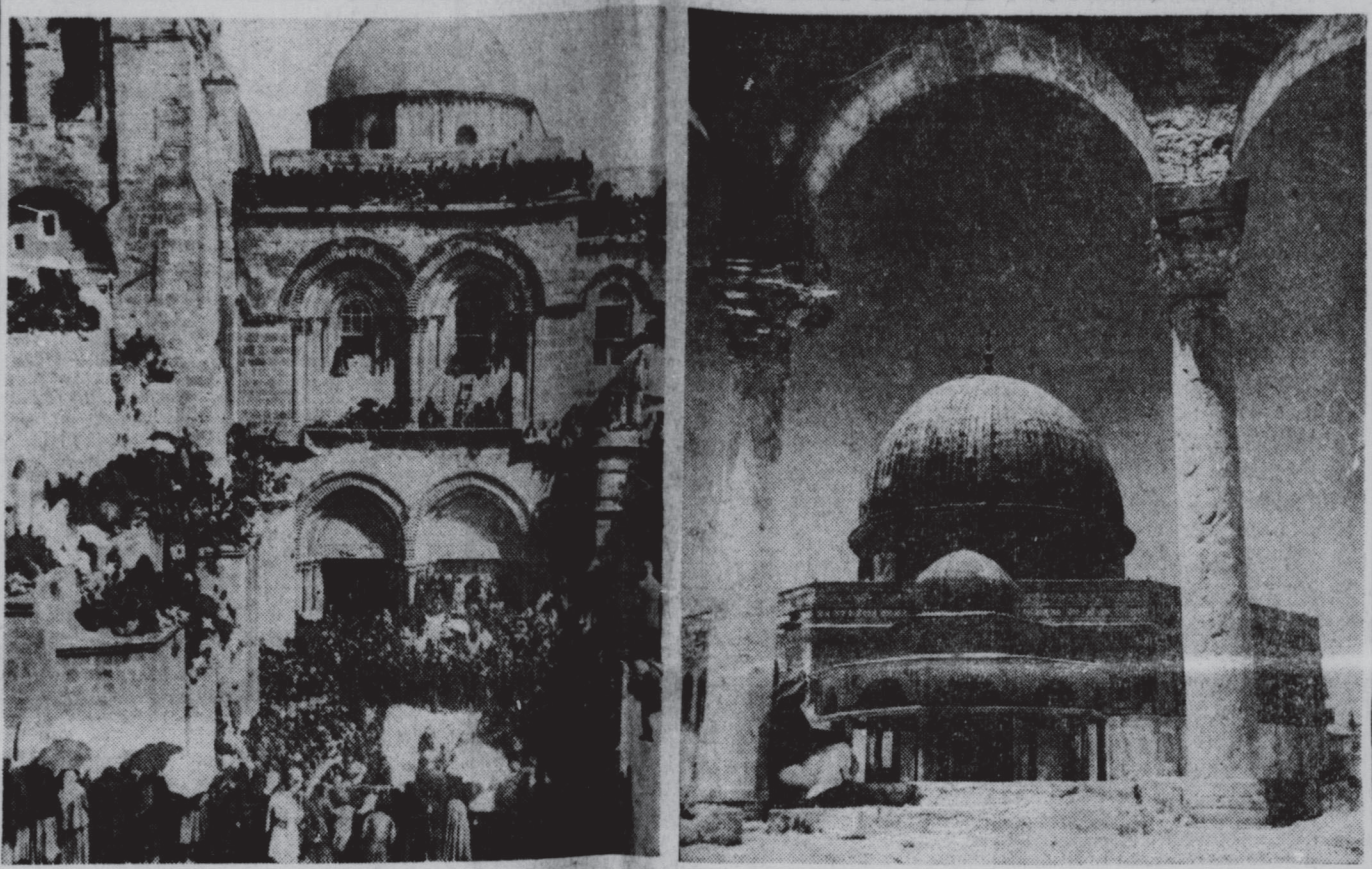
152. That Jews would displace Arabs from the land were restrictions not imposed would seem inevitable, since, as land pressures develop, the attraction of Jewish capital and the desire to acquire land would lead to the displacement of the Arab population from their lands. Some displacement of this nature has already occurred.

153. It would appear that the clear implication of the Jewish contention that the national home can be safeguarded from Arab domination only when it can stand by itself is that an independent Jewish state in all or part of Palestine is the only means of securing the promise of the mandate for a Jewish national home. Even a bi-national state, on a parity basis, unless there were extensive international guarantees would not seem to meet the Jewish contention.

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

155. Any solution assuring the continued development of the Jewish national home in Palestine would necessarily involve continued Jewish immigration, the postponement of independence and also

JERUSALEM: THREE CENTERS OF RELIGIOUS WORSHIP IN THE TROUBLED HOLY LAND



Christians at the Church of the Holy Sepulchre

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

The Arab Case

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

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

The Arabs emphasize the fact of an actual Arab numerical majority in the present population of Palestine in the ratio of 2 to 1.

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

158. They further stress the natural desire of the Arab community to safeguard their national existence from foreign intruders in order that they may pursue without interference their own political, economic and cultural development.

159. The Arabs also claim "acquired" rights, based on the general promises and pledges officially made to the Arab people in the course of the first World War, including, in particular, the McMahon-Hussein correspondence of 1915-16 and the Anglo-French declaration of 1918. The Hogarth message, the Basset letter and the Declaration to the Seven are regarded as further support for the Arab claim to an independent Palestine.

(a) In the Arab view these undertakings, taken collectively, provide a firm recognition of Arab political rights in Palestine which they contend, Great Britain is under a contractual obligation to accept and uphold—an obligation thus far unfulfilled.

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

(c) The Arabs have persistently adhered to the position that the mandate for Palestine, which incorporated the Balfour Declaration, is illegal, and the Arab states have refused to recognize it as having any validity.

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

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

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



Jews at the Wailing Wall

Palestine mandate are, in the Arab view, illegal and invalid and therefore, no legal right to enter the country during the period of the mandate, the Arab position regarding Jews is that their presence as to be recognized as a de facto situation.

Appraisal of the Arab Case

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

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

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

165. The Arabs consider that all of the territory of Palestine by right Arab patrimony. Although in an Arab state they would recognize the right of Jews to continue in possession of land legally acquired by them during the mandate, they would regard as a violation of their "natural" right, if to be noted that apparently there is no unequivocal agreement as to whether Palestine was included within the territory pledged to the Arabs by the McMahon-Hussein correspondence. In the regard, since the question of interpretation was raised, Great Britain has consistently denied that Palestine was among the territories to which independence was pledged.

166. These promises were examined in 1939 by a committee consisting of British and Arab representatives which was set up for that purpose during the Arab-British conference on Palestine. The committee considered the McMahon correspondence and certain subsequent events and documents

which one party or the other regarded as likely to shed light on the meaning of intention of the correspondence. It examined, inter alia, the so-called "Sykes-Picot agreement," the "Balfour Declaration," the "Hogarth message," the "Declaration to the Seven," "General Allenby's assurance to the Amir Feisal" and the "Anglo-French declaration of 7 Dec., 1918." In its report the committee stated that the Arab and the United Kingdom representatives had been "unable to reach agreement upon an interpretation of the correspondence." The United Kingdom representatives, however, informed the Arab representatives that the Arab contentions, as explained to the committee, regarding the interpretation of the correspondence, and especially their contentions relating to the meaning of the phrase "portions of Syria lying to the west of the districts of Damascus, Hama, Homs and Aleppo have greater force than has appeared hitherto."

The United Kingdom representatives, moreover, informed the Arab representatives that "they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of 14 July, 1915, and that unless Palestine was excluded from that area later in the correspondence, it must be regarded as having been included in the area in which Great Britain was to recognize and support the independence of the Arabs. They maintain that on a proper construction of the correspondence, Palestine was in fact excluded. But they agree that the language in which its exclusion was expressed was not so specific and unmistakable as it was thought to be at the time."

170. With regard to the various statements mentioned in Paragraph 165, the above committee considered that it was beyond its scope to express an opinion upon their proper interpretation and that such opinion could not in any case be properly formed unless consideration had also been given to a number of other statements made during the war. In the opinion of the committee, it was, however, evident from these statements that "His Majesty's Government were not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which, upon any interpretation of the correspondence, His Majesty's Government have incurred toward those inhabitants as a result of the correspondence."

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

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

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

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

176. With regard to the principle of self-determination, although the territorial recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the "A" mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish national home there. Actually, it may well be said the Jewish national home and the sui generis mandate for Palestine run counter to that principle.

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

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

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

(c) that the acceptance by the Allied powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have been treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sevres and by the Council of the League in sanctioning the mandate.

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

179. There would seem to be no grounds for questioning the validity of the mandate for the reasons advanced by the Arab states. The terms of the mandate for Palestine formulated by the Supreme Council of the Principal Allied Powers as a part of the settlement of the first World War were subsequently approved and confirmed by the Council of the League of Nations. The spirit which prevailed at the creation of the mandate for Palestine was explained by Lord Balfour at the opening of the eighteenth session of the Council of the League of Nations as follows:

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

is a clear difference between the declaration itself, which safeguarded only the civil and religious rights of the existing non-Jewish communities, and the message, which promised political freedom to the Arab population of Palestine.

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(c) that the acceptance by the Allied powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have been treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sevres and by the Council of the League in sanctioning the mandate.

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

9. The status quo, as far as it has been possible to ascertain what that consists in, has also been applied by the Palestine administration as regards Moslem or Jewish sacred places and sites, which have been objects of disputes between Arabs and Jews, particularly the Wailing Wall at Jerusalem and the Rock of the Sepulchre in Bethlehem.

10. It must be noted that in disputes between the Christian communities, as well as between the Moslem and Jewish communities, the mandatory administration, like its predecessor, the Ottoman government, possessed the forces necessary to impose its decisions and to prevent that religious disputes should result in religious strife.

11. Besides Article 13, relating to the holy places, the following articles of the mandate also bear the question of the religious interests in Palestine of Islam, Judaism and Christianity:

(a) Article 9 (2) provides that "respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs shall be exercised in accordance with religious laws and the dispositions of the founders."

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

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

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall be guaranteed or improved."

At the conclusion of peace (in 1855, after the Crimean War) the matters in dispute being still left undecided were submitted to the League of Nations, who undertook to guarantee in every respect the status quo ante bellum. The question of the protection of the holy places was again discussed during the peace negotiations at the conclusion of the Russo-Turkish War (1878). At that time it was laid down in the peace treaty itself that no alterations were to be made in the status quo of the holy places. In 1878 as well as in 1855 indications as to the administration of the status quo were based upon the same rules as those that have been proclaimed in the decree (firman) issued by the Sultan of Turkey in 1832, which were in conformity in the main with a preceding firman of 1757.

As apportioned between the three principal Christian rites, viz., the Orthodox Greek rite, the Latin (or Roman Catholic) rite, and the Armenian Orthodox rite, the Holy Places are to be classified into the following categories: (a) Certain parts which are recognized as property common to the three rites in equal shares; (b) certain parts to which one rite has exclusive jurisdiction, while other rites claim joint proprietorship; (c) parts as to which the ownership is in dispute between two of the rites; (d) finally, the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to enter or to carry out ritual services, to a limited extent in other ways.

Certain strict principles are adhered to in the administration of the status quo. Thus, a right granted to one rite cannot be used to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question.

It is to be noted that the application of "rights" of this nature must lead to great difficulties and often to litigation, especially as each alteration defects in the prevailing practice. The status quo, as far as it has been possible to ascertain what that consists in, has also been applied by the Palestine administration as regards Moslem or Jewish sacred places and sites, which have been objects of disputes between Arabs and Jews, particularly the Wailing Wall at Jerusalem and the Rock of the Sepulchre in Bethlehem.

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

(e) Article 28 provides that "in the event of the termination of the mandate" the Council of the League of Nations "shall make such arrangements as may be deemed necessary for safeguarding the rights of the non-Christian communities of the League, the rights secured by Articles 13 and 14" of the mandate.

(f) The mandate not only provides for arrangements with the Christian and Greek Orthodox who were set-

Proposals Include Transition From End of the Mandate to Establishment of Autonomous Rule

Continued from Preceding Page

view to "safeguarding in perpetuity" the rights in connection with the holy places and religious buildings or sites and the free exercise of worship. It also stipulates that, at its expiration, the privileges and immunities of foreigners, as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall be immediately re-established in so far as they have not been previously renounced (Article 8, Paragraph 2). Such privileges and immunities applied in particular to Christians and to their religious establishments, schools, convents, hospitals, etc.

12. The re-establishment of capitulations in Palestine would be an anachronism and the powers concerned will probably agree that

another solution must be found for the protection of foreigners and of their religious interests.

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

CHAPTER IV

The Main Proposals Propounded for the Solution of the Palestine Question

GENERAL

1. Proposals for the solution of the Palestine question propounded at various times by official and unofficial sources during the past decade may be broadly classified as of three main categories: (i) the partition of Palestine into two independent states, one Arab and one Jewish, which might either be completely separate or linked to the extent necessary for preserving, as far as possible, economic unity; (ii) the establishment of a unitary state (with an Arab ma-

jority, unless a Jewish majority is created by large-scale Jewish immigration); (iii) the establishment of a single state with a federal, cantonal or regional structure in which the minority would, by political structure, be protected from the fear of domination.

2. The following is a brief summary of the main proposals which have been put forward, including those advanced prior to the creation of this committee as well as those submitted to it.

MAIN PROPOSALS OF COMMISSIONS AND BRITISH GOVERNMENT PLANS PRIOR TO THE CREATION OF THE COMMITTEE

3. The Royal (Peel) Commission, 1937: Partition was recommended for the first time by the Royal Commission and was regarded by it as the only solution which offered any possibility for ultimate peace. While not intending that the principle of partition should be applied to the whole of Palestine, the commission submitted a map on which the whole of Palestine, the plain of Esdraelon and Jezreel and the maritime plain as far south as Lod were allocated to the Jewish state. The greater part of Palestine to the south and east of this line would constitute the Arab state, to be united with Trans-Jordan. Jerusalem and Bethlehem, with a corridor reaching the sea at Jaffa, and also Nazareth, would remain under British mandate.

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

5. The Anglo-American Committee of Inquiry 1946 expressed the view that "now and for some time to come any attempt to establish either an independent Palestinian state or independent Palestinian states would result in civil strife, which might threaten the peace of the world." They accordingly recommended that Palestine should continue to be administered under the mandate pending the execution of a trusteeship agreement. They also recommended that the constitution of the future state should be based on three principles: (i) that Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine; (ii) that Palestine shall be neither a Jewish state nor an Arab state; (iii) that the form of government ultimately to be established shall, under international guarantees, be decided by a democratic Arab-Jewish conference.

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PROPOSALS SUBMITTED TO THE COMMITTEE

7. Jewish Organizations. Most Jewish organizations, including the Jewish Agency for Palestine, submitted written or oral statements to the committee agreed with the Jewish Agency for Palestine and the Vaad Leumi in demanding the creation of a Jewish state. Divergencies exist between those who demand that the whole of Palestine should become a Jewish state and the organizations which would accept partition provided the territory allotted to the Jewish state permitted the settlement of a large number of new immigrants. The opposition to the creation of a Jewish state is represented by a threat to the peace and security of Palestine and its surrounding area; they are harmful to the Jews in Palestine and throughout the world; they are also undemocratic.

8. The position of the Jewish Agency for Palestine, which represents the opinion of the majority of organized Jewry in the country, may be summarized as follows:

tendency and of the Moslem and Christian communities.

The committee's recommendations of the immediate future (re-creation of the Land Transfers Regulations of 1940 and authorization of 100,000 immigration certificates to be awarded in so far as possible in 1946).

6. Plan for Provincial Autonomy. The plan (generally known as the Morrison plan) aimed at putting into effect the recommendation of the Anglo-American Committee of Inquiry "that Palestine shall be neither a Jewish state nor an Arab state." The greater part of Palestine would be divided into an Arab and a Jewish province, the latter including almost the entire area on which Jews had already settled, together with a considerable area between and around the settlements. Each province would have an elected legislature and an executive. Jerusalem and Bethlehem, together with the Negev, would remain under direct control of the representative of the British Government acting as trustee for Palestine in virtue of a United Nations trusteeship agreement.

The way was left open for future development either toward an independent federal state or toward partition, the Arab and Jewish provinces becoming independent states whose boundaries could not be modified except by mutual consent. It was contemplated that by the adoption of this plan, it would be possible to admit immediately 100,000 Jewish immigrants into Palestine, as the Anglo-American committee had recommended, and to continue immigration into the Jewish province subject to the final control of the central government (the High Commissioner, assisted by his nominated Executive Council).

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

At the end of four years a constitutional assembly would be elected. If agreement was reached between a majority of Arab representatives and a majority of the Jewish representatives in this assembly, an independent state would be established. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon the future of the country. The migration plan provided for the admission of 96,000 Jews during the first two years. Thereafter the rate of entry would be determined by the High Commissioner in consultation with his Advisory Council. The final decision would rest with an arbitration tribunal appointed by the United Nations.

8. The Agency supports the proposal submitted by the Jewish Agency for Palestine (Basle, 1947): "that Palestine be established as a Jewish commonwealth integrated in the structure of the democratic world; (b) that the gates of Palestine be opened to Jewish immigration; (c) that the Jewish Agency be vested with the control of immigration into Palestine and the necessary authority for the upbuilding of the country."

9. As regards partition, the Political Survey, 1946-47, submitted to the committee by the Jewish Agency stated: "A solution on partition lines, if it is to be at all acceptable, can hardly be regarded as other than a pis aller. Any solution of the Palestine problem which may be proposed by the Jewish people by reference to whether it insures large-scale immigration and settlement and leads without delay to the establishment of the Jewish state."

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

(a) that Palestine should be a unitary state, with a democratic constitution and an elected legislative assembly;

(b) that the constitution should provide, inter alia, guarantees for

(i) the sanctity of the holy places and, subject to suitable safeguards, freedom of religious practice in accordance with the status quo; (ii) full civil rights for all Palestinian citizens, the naturalization requirement being ten years' continuous residence in the country; (iii) protection of religious and cultural rights of the Jewish community, such safeguards to be altered only with the consent of the majority of the Jewish members in the Legislative Assembly;

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

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

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

15. It is not without significance that the only since the rise of nazism to power in Germany, with

CHAPTER V

Recommendations (I)

INTRODUCTORY STATEMENT

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

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

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

4. Following the rejection of the extreme solutions in its deliberations, the committee devoted its attention to the bi-national

SECTION A: RECOMMENDATIONS APPROVED UNANIMOUSLY

Recommendation I: Termination of the Mandate.

IT IS RECOMMENDED THAT The mandate for Palestine shall be terminated at the earliest practicable date.

COMMENT

Among the reasons for this unanimous conclusion are the following:

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

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

(c) In the nature of the case, the mandate implied only a temporary tutelage for Palestine. The terms of the mandate include provisions which have proved contra-

dictory in their practical application.

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

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

(f) The most mandatory could now do, therefore, in the event of the continuation of the mandate, would be to exercise administration, in the spirit of the mandate, without being able to discharge its international obligations in accordance with the intent of the mandates system. At the time of the termination of the Perma-

nent Mandates Commission in April, 1946, the mandatory power declined to declare its intention to terminate the administration of Palestine, pending a new arrangement, in accordance with the general principles of the mandate. The mandatory power has itself now referred the matter to the United Nations.

Recommendation II: Independence.

IT IS RECOMMENDED THAT Independence shall be granted in Palestine at the earliest practicable date.

COMMENT

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

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

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

CHAPTER VI

Recommendations (II)

INTRODUCTORY STATEMENT

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

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

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

4. Following the rejection of the extreme solutions in its deliberations, the committee devoted its attention to the bi-national

state and cantonal proposals. It considered both, but the members who may have been prepared to consider these proposals in principle were not impressed by the feasibility of either. It was apparent that the bi-national solution, though attractive in some of its aspects, would have little meaning unless provision were made for numerical or political parity between the two population groups, as provided for in the proposals of the League of Nations. However, would require the implementation of complicated mechanical devices which are patently artificial and of dubious practicality.

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

6. Having thus disposed of the extreme solutions and the bi-national and cantonal schemes, the members of the committee, by and large, manifested a tendency to move toward either partition or a confederation arrangement, and one on the federal state, for the purpose of working out the details of the two plans, which in their final form are presented in Chapters VI and VII of this report, with the names of the members who supported them.

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

8. In the course of its forty-ninth meeting on Aug. 29, 1947, the committee formally approved the report of the drafting subcommittee, and unanimously approved eleven recommendations to the General Assembly, the texts of which are set forth in Section A of this chapter. A twelfth recommendation, with which the representatives of Guatemala and Uruguay were in agreement, appears in Section B.

Recommendation III: Transitional Period.

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

COMMENT

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

(b) The importance of the transitional period is that it would be a period during which the governmental organization would have to be established, and in which the guarantees for such vital matters as the protection of minorities and the safeguarding of the holy places and religious interests could be insured.

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

Recommendation IV: United Nations Responsibility During Transitional Period.

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

COMMENT

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

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

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

(d) The relative success of the authority entrusted with the administration of Palestine during the transitional period in creating the proper atmosphere and in carrying out the necessary preparations for the assumption of independence will influence greatly the effectiveness of the final solution to be applied. It will be of the utmost importance to the discharge of its heavy responsibilities that, while being accountable to the United Nations for its actions in regard to the authority concerned should be able to count upon the support of the United Nations in carrying out the directives of that body.

Recommendation V: Holy Places and Religious Interests.

IT IS RECOMMENDED THAT In whatever solution may be adopted for Palestine (a) the sacred character of the holy places shall be preserved and access to the holy places for purposes of worship and pilgrimage shall be insured in accordance with existing rights, in recognition of the proper interest of millions of Christians, Jews and Moslems abroad as well as the residents of Palestine in the care of sites and buildings associated with the origin and history of their faiths; (b) existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence; (c) an adequate system shall be devised to settle impartially disputes involving religious rights as an essential factor in maintaining religious peace, taking into account the fact that religious communities shall be inserted in the constitution or constitutions of any independent Palestinian state or states which may be created.

COMMENT

(a) Palestine, as the Holy Land, occupies a unique position in the world. It is sacred to Christian,

Jew and Moslem alike. The spiritual interests of hundreds of millions of people of the three great monotheistic religions are intimately associated with its scenes and historical events. Any solution of the Palestine question should take into consideration these religious interests.

(b) The safeguarding of the holy places, buildings and sites located in Palestine should be a condition to the grant of independence.

Recommendation VI: Jewish Displaced Persons.

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

COMMENT

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

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

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

Recommendation VII: Democratic Principles and Protection of Minorities.

IT IS RECOMMENDED THAT In view of the fact that independence is to be granted to Palestine on the recommendation and with the approval of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new state should be democratic, i.e., representative, in character, and that this shall be a prior condition to the grant of independence. In this regard, the constitution or other fundamental law of the new state or states shall include specific guarantees respecting (a) human rights and fundamental freedoms, including freedom of worship and conscience, speech, press and assembly, the rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures and rights of personal property and (b) full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and full equality of all citizens with regard to political, civil and religious matters.

COMMENT

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

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

Recommendation VIII: Peaceful Relations.

IT IS RECOMMENDED THAT It shall be required, as a prior condition to independence, to incorporate in the future constitutional arrangements of Palestine those basic principles of the Charter of the United Nations whereby a state shall (a) undertake to settle all international disputes in which it may be involved by peaceful means in such a manner that international peace and security, and justice are not endangered; and (b) accept the obligation to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.

COMMENT

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

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

Recommendation IX: Economic Unity.

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

COMMENT

(a) It merits emphasis that the

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

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

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

Recommendation X: Capitulations.

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

COMMENT

(a) Article 9(1) of the mandate

SECTION B: RECOMMENDATION APPROVED BY SUBSTANTIAL MAJORITY

Recommendation XII: The Jewish Problem in General (Two members of the Committee dissented from this recommendation and one recorded no opinion).

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

COMMENT

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

countries in which they now reside.

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

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

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

CHAPTER VI

Recommendations (II)

1. The committee, sitting informally as a means of facilitating its deliberations on specific proposals, informally set up two small working groups to explore specific proposals with regard to a plan of partition and a federal state.

2. One of these groups was known as the working group on constitutional matters and the other was the working group on boundaries.

3. The working group on constitutional matters, consisting of Mr. Sandstrom, Mr. Blom, Mr. Granados and Mr. Rand, in a series of informal meetings, formulated a plan of partition with provisions for economic unity and constitutional guarantees, which was subsequently discussed and completed in joint discussions of these two working groups.

4. In the course of the forty-seventh meeting of the committee, on 27 Aug., 1947, seven members of the committee, including the four who had been in the working group on constitutional matters and the three who had been in the working group on boundaries, expressed themselves, by recorded vote, in favor of the plan of partition with economic unity, presented by the working group on constitutional matters.

5. The plan of partition with economic unity is herewith reproduced. It consists of the following three parts:

PART I: PLAN ON PARTITION WITH ECONOMIC UNION

Part I. Partition with economic union

Part II. Boundaries

Part III. City of Jerusalem

JUSTIFICATION

1. The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews be recognized as valid, irreconcilable and that among all of the solutions advanced partition will provide the most realistic and practicable settlement and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.

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

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

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

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

6. Partition is based on a realistic appraisal of the actual Arab-Jewish relations in Palestine. Full political cooperation would be in-

dispensable to the effective functioning of any single state scheme, such as the federal state proposal, except in those cases which rarely envisage either an Arab or a Jewish dominated state.

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

8. Jewish immigration is the central issue in Palestine today and is the one factor, above all others, that rules out the necessary cooperation between the Arab and Jewish communities in a single state. The creation of a Jewish state under a partition scheme is the only hope of removing this issue from the arena of conflict.

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

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

11. Such economic unity re-

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

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

(c) The committee takes the view that, since independence will be achieved in Palestine under the auspices of the United Nations, and subject to guarantees stipulated by the United Nations as a condition prior to independence, there should be no need for any state to reassert its claim with respect to capitulations.

Recommendation XI: Appeal Against Acts of Violence.

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

COMMENT

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

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

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countries in which they now reside.

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

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

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

CHAPTER VI

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2. One of these groups was known as the working group on constitutional matters and the other was the working group on boundaries.

3. The working group on constitutional matters, consisting of Mr. Sandstrom, Mr. Bl

Majority Recommends Partition Into Jewish and Arab States as Main Points of Proposals

Continued from Preceding Page

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

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

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

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

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

15. International financial assistance would also be required for any comprehensive irrigation schemes in the interest of both states, and it is to be hoped that constructive work by the joint economic board will be made possible by means of international loans on favorable terms.

RECOMMENDATIONS

A. PARTITION AND INDEPENDENCE
1. Palestine within its present borders, following a transitional period of two years from 1 Sept. 1947, shall be constituted as an independent Arab state, an independent Jewish state and the City of Jerusalem, the boundaries of which are respectively described in Parts II and III below.

2. Independence shall be granted to each state upon the day only after it has adopted a constitution complying with the provisions of B. 4 below, made to the United Nations a declaration containing certain guarantees and signed a treaty creating the economic union of Palestine and establishing a system of collaboration between the two states and the City of Jerusalem.

B. TRANSITIONAL PERIOD AND CONSTITUTION

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

(a) Carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions and under such supervision as may be agreed upon between the United Kingdom and the United Nations, and if so desired, with the assistance of one or more members of the United Nations;

(b) take such preparatory steps as may be necessary for the execution of the scheme recommended; (c) carry out the following measures: (1) admit into the borders of the proposed Jewish state 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom on humanitarian grounds; should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The responsibility for the selection and care of Jewish immigrants and for the organizing of Jewish immigration during the transitional period shall be placed in the Jewish Agency; (2) the restrictions imposed by the Palestinian administration under the authority of the Palestine (Amendment) Order-in-Council of 25 May 1939 will not apply to the transfer of land within the borders of the proposed Jewish state.

2. Constituent assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish states, respectively. The electoral provisions shall be prescribed by the power administering the territory. Qualified voters for each state for this election shall be persons over 20 years of age who are: (a) Palestinian citizens residing in that state and (b) Arabs and Jews residing in the state, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such state.

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

Women may vote and be elected to the constituent assemblies.

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

5. The constituent assemblies shall draw up the constitutions of the

the states, which shall embody Chapters I and II of the declaration provided for in C below, and include inter alia provisions for:

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

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

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

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

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

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

5. The constituent assembly in each state shall appoint a provisional government empowered to make the declaration and sign the treaty of economic union, provided for in C below.

On making the declaration and signing the treaty of economic union by either state and upon approval of such instruments as being in compliance with these recommendations by the General Assembly of the United Nations, its independence as a sovereign state shall be recognized.

If only one state fulfills the foregoing conditions, that fact will forthwith be communicated to the United Nations for such action by the General Assembly as it may deem proper. Pending such action, the regime of economic union as recommended shall apply.

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

General Provision: The stipulations contained in the declaration are contained in the fundamental laws of the state and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Chapter I: Holy Places, Religious Buildings and Sites.

1. Existing rights in respect of holy places and religious buildings or sites shall not be denied or impaired.

2. Free access to the holy places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

3. Holy places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the government that any particular holy place, religious building or site is in need of urgent repair, the government shall call upon the community or communities concerned to carry out such repair. The government may, however, carry out such repairs if the community or communities concerned, if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any holy place, religious building or site which was exempt from taxation on the date of the creation of the state.

5. The governor of the City of Jerusalem shall have the right to determine whether the provisions of the constitution of the state in relation to holy places, religious buildings and sites within the borders of the state and the religious rights appertaining thereto are being properly applied and respected and to make decisions in cases of disputes which may arise with respect to such places, buildings and sites. He shall receive full cooperation and such privileges and immunities as are necessary for the exercise of his functions in the state.

Chapter II: Religious and Minority Rights

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

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

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

4. The state shall insure adequate primary and secondary education for the Arab and Jewish populations, respectively, in its own language and its cultural traditions.

5. The right of each community to maintain its own schools for the

THE MAJORITY'S PLAN OF PARTITION



Territory that would be allotted to the proposed Arab and Jewish states is indicated by the different shadings. Jerusalem with its environs (in circle) would be under U. N. trusteeship.

education of its own members in its own language, while conforming to such educational requirements of a general nature as the state may impose, shall not be denied or impaired.

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

6. No expropriation of land owned by an Arab in the Jewish state (by a Jew in the Arab state) shall be allowed except for public purposes unless the land, suitable for agricultural purposes, has remained uncultivated and unused for not less than one year after written notice of utilization thereof given and upon an order made by the supreme court of the respective state approving the expropriation on the grounds of absence of sufficient reasons for the non-utilization thereof. In all cases of expropriation full compensation, as fixed by the supreme court, shall be paid previous to dispossession.

Chapter III

1. Citizenship. Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the state in which they are resident or, if resident in the City of Jerusalem, who sign a notice of intention provided for in B. 2 above, of the state mentioned in such notice with full civil and political rights, provided that they do not exercise the option mentioned hereafter. Such persons, if over 18 years of age, may opt within one year for the citizenship of the other state or states, or for the citizenship of any state of which they are citizens, and if they exercise this option it will be taken to include their wives and children under 18 years of age; provided that no person who has signed the notice of intention referred to in B. 2 above shall have the right of option.

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

3. Financial Obligations. The state shall respect and fulfill all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory power, until its independence is recognized, including the rights of public

servants to pensions, compensation or gratuities, to be negotiated where necessary with the Government of the United Kingdom.

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

economic Board shall be to organize and administer, either directly or by delegation, the objectives of the Economic Union.

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

In relation to economic development, the functions of the board shall be the planning, investigation and encouragement of joint development projects, but shall not undertake such projects except with the consent of both states and the City of Jerusalem.

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

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

The following items shall be a first charge on the customs revenue: (a) the expenses of the customs service; (b) the administrative expenses of the Joint Economic Board; (c) the financial obligations of the administration of Palestine consisting of the outstanding public debt; (ii) the cost of superannuation benefits now being paid or falling due in future.

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

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

(2) Freedom of Transit and Visit

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

(3) Termination, Modification and Interpretation of Treaty

The treaty shall remain in force for a period of ten years, and it shall continue in force until notice of termination to take effect two years thereafter is given by either of the parties and such termination assented to by the General Assembly of the United Nations.

During the initial ten-year period, the treaty may not be modified except by consent of both parties and with the approval of the General Assembly.

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

E. ASSETS

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

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

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

A COMMENTARY ON PARTITION

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

The territorial division with the investment of full political power in the state achieves, in turn, the desired self-governing control of immigration. Although free passage between the states for all residents is provided, each state retains exclusive authority over the acquisition of its control and, while unable to it to preserve the integrity of its social organization.

The Economic Union is to be administered by a Joint Economic Board in the composition of which parity of interest in the representation from them. But in relation to such necessary and convenient services day-to-day rulings are imperative; and since in present circumstances it cannot be expected that in joint matters a decision would be reached, the principle of a central decision is introduced by adding to the board three independent outside persons to be chosen by the United Nations. It is obvious that while such a device is an accepted mode of administering economic disputes, it would be a general method of making political decisions. This limits, therefore, the functions with which the board can be clothed and confines them to such

neutral services as communications or to a function which, though carrying a political quality, is dictated by the necessities of the overriding interest of unity.

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

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

Even in the larger view here are the sole remaining representatives of the Semitic race. They are in the land in which that race was cradled. There are no fundamental incompatibilities between them. The scheme satisfies the deepest

aspiration of both, independence. There is a considerable body of opinion in both groups which seeks the course of cooperation. Despite then, the drawback of the Arab minority, the setting is one from which, with good-will and a spirit of cooperation, may arise a re-creation in historical surroundings of the gentler, more harmonious, more contributive than throughout the centuries by them in religious and ethical conceptions, in philosophy and in the entire intellectual sphere should excite among the leaders a mutual respect and a pride in their common origin.

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

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

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

PART II: BOUNDARIES

Definition

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

The three sections of the Arab state and the three sections of the Jewish state are linked together by two points of intersection, of which one is situated southeast of Afula, in the subdistrict of Nazareth, and the other northeast of El Majdal in the subdistrict of Gaza.

The Arab State
Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras-en-Naqla to Qadas; on the east the boundary starting from Qadas passes southward, west of Safad to the southwestern corner of the Tiberias subdistrict; hence it follows the western boundary of the Tiberias subdistrict to a point just east of Mount Tabor; then southward to the point of intersection southeast of Afula mentioned above. The southwestern boundary of western Galilee takes a line from this point, passing south of Beit Lahm, to the coast just south of Acre.

The boundary of the hill country of Samaria and Judea, starting on the Jordan River southeast of Beisan, follows the northern boundary of the Samaria district westward to Lajjun, thence again westward to Tulkarm, east of Qalqilia and west of Majdal Yaba, thence bulging westward toward Rishon-le-Zion so as to include Lydda and Ramleh in the Arab state, thence turning again eastward to a point west of Lajjun, thereafter following the northern side of the Lajjun-Majdal road to the second point of intersection, thence southward to a point on the Hebron subdistrict boundary.

Following the line mentioned above, the southern boundary of the Hebron subdistrict to the Dead Sea.

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

The Jewish State
The northeastern sector of the proposed Jewish state (eastern Galilee) will have a frontier with the Lebanon in the north and west and with Syria and Trans-Jordan on the east and will include the whole of the Huleh basin, Lake Tiberias and the whole of the Beisan subdistrict. From Beisan the Jewish state will extend northwest, following the boundary described in the plan of the Arab state.

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

The Beersheba area includes the whole of the Beersheba subdistrict, which includes the Negev and the eastern part of the Gaza subdistrict, and the point of intersection. The northern boundary of this area, from the point of intersection, runs southeastward to a point on the Hebron subdistrict boundary south of Qubeiba, thence follows the southern boundary of Hebron subdistrict to the Dead Sea.

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

JUSTIFICATION

In making its proposal for a plan of partition with economic union for the members of the committee fully aware of the many difficulties of effecting a satisfactory division of Palestine into a Jewish and an Arab state. The main

problems to be faced are the following:

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

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

2. **The Problem of Viability.** The creation of two viable states is considered essential to a partition scheme.

3. **The Problem of Development.** A partition scheme for Palestine must take into account both the claims of the Jews to receive immigrants and the needs of the Arab population which is increasing rapidly by natural means. Thus, as far as possible, both partitioned states must leave some room for further land settlement.

4. **The Problem of Contiguity.** It is obviously desirable to create states with continuous frontiers. Due to geographic and demographic factors, it is impossible to make a satisfactory partition without sacrificing this objective to some extent.

5. **Access to the Sea for the Arab State.** Even within the scheme for economic union this is considered to be important for psychological as well as material reasons.

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

The distribution of the settled population in the two proposed states is estimated on the basis of official figures up to the end of 1946 and are approximately as follows:

The Jewish State: Jews, 216,000; Arabs, 216,000. Total, 432,000. The Arab State: Jews, 216,000; Arabs, 216,000. Total, 432,000. The City of Jerusalem: Jews, 216,000; Arabs, 216,000. Total, 432,000.

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

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

Nearly all previous attempts to draw partition maps for Palestine have been faced with the separation of the solid Arab population in Judea and Samaria from the Arab population in Galilee. To include the whole of Galilee in the Jewish state provides contiguous frontiers but it also results in the inclusion of the large Arab population in western Galilee in the Jewish state and weakens the Arab state economically and politically by denying to it a developed Arab area. In the present partition scheme these problems have been solved by a definition of boundaries which provides two important links, one between western Galilee and Samaria and one in the south near Gaza. These links are at the same time places of the frontiers and would consist in each case of a small unbuilt area which would be a condominium. By this means it has been possible to include western Galilee in the Arab state without the disadvantage of its being separated at all points from Samaria by the territory of the Jewish state.

The inclusion of the whole Beersheba subdistrict in the Jewish state gives to it a large area, parts of which are very sparsely populated and capable of development, if they can be provided with water for irrigation. The experiments already carried out in this area by the Jews suggest that further development in an appreciable degree should be possible. The Negev south of latitude 31, though included in the Jewish state, is desert land of little agricultural value, but is geographically linked with the northern part of the subdistrict of Beersheba.

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

The Problem of Viability. On this question the secretariat has prepared a technical note which is as follows:

A TECHNICAL NOTE ON THE VIABILITY OF THE PROPOSED PARTITION STATES
Prepared by the Secretariat

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

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

British Provincial autonomy plan, 1946: 730,000. Committee's proposed plan, 1947: 730,000.

The difference is mainly accounted for by the town of Jaffa, which has been taken from the Arab state and placed in the Jewish state. Apart from the town of Jaffa there are no important differences in economic resources of the Arab areas in the two plans. As has happened, though the partition proposed by the members of this committee differs in some very important respects from the provincial autonomy plan of the British Government, the area of the proposed Arab state is very different in the two cases and in regard to actual resources the differences are not very marked. The most important difference is in respect of the town of Jaffa, which in the British plan is part of the Arab state and in the present plan is part of the Jewish state. The estimated total population of the Arab states in the two cases is as follows:

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In the case of the plan for the partition of Palestine recommended in this report, as well as in the case of all previous partition plans which have been suggested, it is the viability of the Arab state that is in doubt. It is necessary, therefore, to examine the proposed Arab

Minority Cais for Federal Palestine With Two States and Prescribed Constitution Provisions

Continued from Preceding Page

would be in proportion to the population.

The summary results of this calculation are as follows:

JEWISH STATE

Palestine Pounds

Revenue (apart from customs)..... 4,878,000

Expenditure (apart from customs)..... 5,234,000

Deficit..... 356,000

ARAB STATE

Palestine Pounds

Revenue (apart from customs)..... 1,940,000

Expenditure (apart from customs)..... 2,004,000

Deficit..... 64,000

CITY OF JERUSALEM

Palestine Pounds

Revenue (apart from customs)..... 1,088,000

Expenditure (apart from customs)..... 1,088,000

Deficit..... 0

Combined deficit..... 420,000

Net revenue of joint services..... 1,196,000

The net revenue of joint services is available for distribution between the two states and the City of Jerusalem but falls short of the combined deficits by just over £1,250,000. This, however, is not important in the present discussion since it is merely the consequence of basing the calculations on the actual estimates of the present Palestine administration. It should be noted that in the present administrative budget there are expenditures of £7,000,000 (Palestine) on police and security and about £2,000,000 (Palestine) on subsidies designed to keep the cost of living down. Police expenditure should certainly

be substantially reduced in the event of a settlement of the Palestine problem, and it is also possible that some saving could be made in the cost of food subsidies, since the necessity for them would be less in an Arab state which would contain a large number of self-sufficient cultivators and relatively few industrial wage earners. In this case the expenditure attributed to the Arab state on this basis might be capable of reduction by as much as £3,000,000 (Palestine). Reductions on police expenditure should, of course, be also possible for the other two areas. On the side of revenue it is possible that income tax yields could be increased in the area of the proposed Arab state.

It is in the light of these considerations that the members of the committee in proposing their partition scheme with particular recommendations for the distribution of the customs revenue. By this means the members of the committee supporting the partition plan believe that the viability of the Arab state could be reasonably assured.

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

PART III: CITY OF JERUSALEM

JUSTIFICATION

1. The proposal to place the City of Jerusalem under international trusteeship is based on the following considerations:

2. Jerusalem is a holy city for three faiths. Their shrines are side by side; some are sacred to two faiths. Hundreds of millions of Christians, Moslems and Jews throughout the world want peace and especially religious peace to reign in Jerusalem, the sacred character of its holy places to be preserved, access to them guaranteed to pilgrims from abroad.

3. The history of Jerusalem, during the Ottoman régime as under the mandate, shows that religious peace has been maintained in the city because the government was anxious and had the power to prevent controversies involving some religious interest from developing into bitter strife and disorder. The government was not intimately mixed in local politics and could, when necessary, arbitrate conflicts.

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

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

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

RECOMMENDATIONS

1. The City of Jerusalem shall be placed under an international trusteeship system by means of a trusteeship agreement which shall designate the United Nations as the administering authority in accordance with Article 81 of the Charter of the United Nations.

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

3. The trusteeship agreement in respect of the holy places, religious buildings and sites and minorities shall contain provisions similar to those contained in Chapters I and II of the declaration in the plan of partition with economic union. It shall also include inter alia the provisions set forth below:

(1) The City of Jerusalem shall be demilitarized and its neutrality

CHAPTER VII

Recommendations (III)

FEDERAL STATE PLAN

1. In the course of the informal meetings of the committee to explore solutions, a working group on the federal state proposal was set up, consisting of Sir Abdur Rahman, Mr. Entezam, Mr. Si-mitch and Mr. Atwey.

2. The working group on the federal state proposal formulated a comprehensive proposal along these lines which was voted upon and supported by three members (India, Iran and Yugoslavia) at the forty-seventh meeting of the committee, on 27 Aug. 1947.

3. The federal state plan is hereby reproduced.

JUSTIFICATION FOR THE FEDERAL STATE SOLUTION

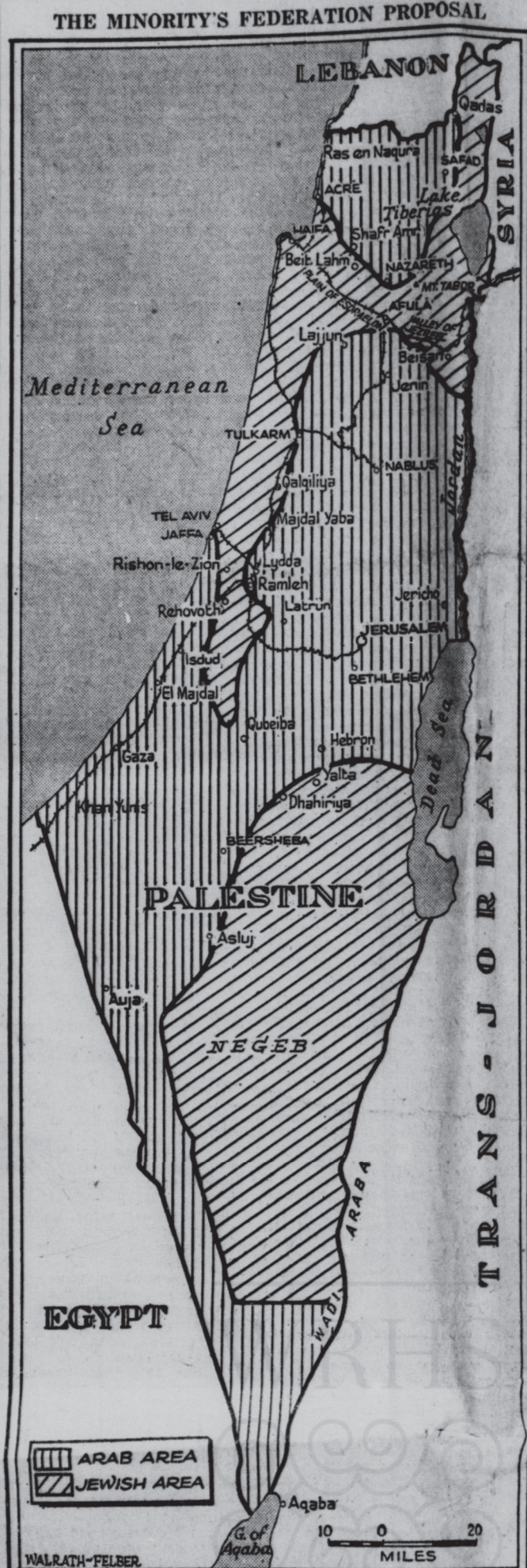
1. It is incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem generally.

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

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

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

THE MINORITY'S FEDERATION PROPOSAL



The New York Times
Under this plan Palestine would become an independent state containing Arab and Jewish areas, the boundaries of which would be approximately as shown here. Jerusalem would be the capital.

an opportunity for full and effective participation in representative government to every citizen of the state. This solution would be most in harmony with the basic principles of the Charter of the United Nations.

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

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

11. Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this regard it is important to avoid an acceleration of the separation which now characterizes the relations of Arabs and Jews in the Near East and laying the foundations of a dangerous irreconcilable there, which would be the inevitable consequences of partition in whatever form. A federal state solution, therefore, which in the very nature of the case must emphasize unity and cooperation, will best serve the interests of peace.

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

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

14. The federal state is the most constructive and dynamic solution in that it eschews an attitude of resignation toward the question of the ability of Arabs and Jews to cooperate in their common interest in favor of a realistic and dynamic attitude, namely that under changed conditions the will to cooperate can be cultivated.

15. A basis for the assumption that cooperation between the Arab and Jewish communities is not impossible is found in the fact that even under the existing highly unfavorable conditions the committee did observe in Palestine instances of effective and fruitful cooperation between the two communities.

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

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

RECOMMENDATIONS

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

I. The Independent State of Palestine

IT IS RECOMMENDED THAT

1. The peoples of Palestine are entitled to recognition of their right to independence and an independent federal state of Palestine shall be created following a transitional period not exceeding three years.

2. With regard to the transitional period, responsibility for administering Palestine and preparing it for independence under the conditions herein prescribed shall be entrusted to such authority as may be decided upon by the General Assembly.

3. The independent federal state of Palestine shall comprise an Arab state and a Jewish state.

4. In delimiting the boundaries of the Arab and Jewish states, respectively, consideration shall be given to anticipated population growth.

5. During the transitional period a constituent assembly shall be elected by the population of Palestine which shall formulate the constitution of the independent federal state of Palestine.

6. The constituent assembly entrusted by the General Assembly with responsibility for administering Palestine during the transitional period shall convene the constituent assembly on the basis of electoral provisions which shall insure the fullest possible representation of the population, provided that all adult persons who have acquired Palestinian citizenship as well as non-citizen Jews who, though non-citizen, may be resident in Palestine and who shall have applied for citizenship in Palestine not less than three months before the date of the election shall be entitled to vote therein.

7. The attainment of independence by the independent federal state of Palestine shall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the constituent assembly that the constituent assembly has adopted a constitution incorporating the provisions set forth in Chapter II below.

II. Outline of the Structure and Required Provisions in the Constitution of Palestine

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

IT IS RECOMMENDED THAT

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

1. The governmental structure of the independent federal state of Palestine shall be federal and shall comprise a federal government and the governments of the Arab and Jewish states respectively.

2. Among the organs of government there shall be a head of state and an executive body, a representative federal legislative body, a federal court and such other subsidiary bodies as may be deemed necessary.

3. The federal legislative body shall be composed of two chambers.

4. Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole.

5. Election of members to the other chamber of the federal legislative body shall be on the basis of equal representation of the Arab and Jewish citizens of Palestine.

6. The federal legislative body shall be empowered to legislate on all matters entrusted to the federal government.

7. Legislation shall be enacted when approved by majority votes in both chambers of the federal legislative body.

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

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

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

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

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

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

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

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

16. The federal court shall be empowered to decide: (a) whether laws and regulations of the federal and state governments are in conformity with the constitution; (b) cases involving conflict between the laws and regulations of the federal government and laws and regulations of the state governments; (c) all other questions involving an interpretation of the constitution; and (d) such other matters as may be placed within its competence by the constitution.

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

18. Full authority shall be vested in the federal government with regard to national defense, foreign relations, immigration, currency, transport and interstate waterways, copyrights and patents, communications.

19. The constitution shall forbid any discriminatory legislation, whether by federal or state governments, against Arabs, Jews or other population groups, or against the rights and privileges for all minorities, irrespective of race or religion.

20. The constitution, having regard to the customs of the people, shall be based on the principle of the equality of all citizens of Palestine with regard to the

political, civil and religious rights of the individual, and shall make specific provision for the protection of linguistic, religious and ethnic rights of the peoples and respect for their cultures.

21. The constitution shall include specific guarantees respecting freedom of conscience, speech, press and assembly, the rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures and rights of personal property.

22. The constitution shall guarantee free access to holy places, protect religious interests and insure freedom of worship and of conscience to all, provided that the traditional customs of the several religions shall be respected.

23. Arabic and Hebrew shall be official languages in both the federal and state governments.

24. The constitution shall include provisions which shall (a) undertake to settle all international disputes in which the state may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and (b) accept the obligation of the state to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.

25. There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others on the basis of such qualifications and conditions as the constitution and laws of the federal state may determine and equally apply.

26. The Arab state and the Jewish state shall enjoy full powers of local self-government, and may institute such representative forms of government, adopt such local constitutions and issue such laws and regulations as they may deem desirable, subject only to the provisions of the federal constitution.

27. Each state government shall have authority, within its borders, to "educate, taxation, local purposes, the right of residence, commercial licenses, land permits, grazing rights, interstate migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries and such other authority as may be entrusted to the states by the constitution.

28. Each state shall be entitled to organize a police force for the maintenance of law and order.

29. The constitution shall provide for equitable participation of the representatives of both communities in delegations to international organizations and conferences and on all boards, agencies, bureaus or ad hoc bodies established under the authority of the state.

30. The independent federal state of Palestine shall accept as binding all international agreements and conventions, both general and specific, to which the territory of Palestine has previously become a party, or to which it may hereafter become a party, subject to such right of denunciation as may be provided, therein, all such agreements and conventions shall be restricted by the independent federal state of Palestine.

31. The constitution shall make provision for its method of amendment, provided that it shall be accepted as a solemn obligation undertaken by the independent federal state of Palestine to the United Nations not to alter the provisions attached to the constitution or the constitution as a whole in such manner as to nullify the provisions herein stated as a prior condition to independence, except by the assent of a majority of both the Arab and Jewish members of the federal legislative body.

Boundaries of the Arab and Jewish States in the Independent Federal State of Palestine

IT IS RECOMMENDED THAT

The boundaries of the respective Arab and Jewish states in the independent federal state of Palestine shall be indicated on the map attached to this report as Annex I. (The map printed on this page is based on the boundaries set forth in the summary of the reports published Sept. 1.)

IV. Capitalities

IT IS RECOMMENDED THAT

The General Assembly of the United Nations shall invite the United Kingdom, who have in the past enjoyed in Palestine the privileges and immunities of foreign consular jurisdiction and protection as formerly enjoyed by capitulations or usage in the Ottoman Empire, to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the independent federal states of Palestine.

V. The Holy Places, Religious Interests and Jerusalem

IT IS RECOMMENDED THAT

Since the holy places, buildings and sites appertaining to whatever religions and wherever located in Palestine must be recognized as of special and unique interest and concern to the international community, the following principles and measures should be fully safeguarded as a condition for the establishment of the independent federal state of Palestine.

1. Millions of Christians, Jews and Moslems abroad, as well as the inhabitants of Palestine, have a proper and recognized interest in the preservation and care of the holy places, buildings and sites associated with the origin and history of their respective faiths. The sacred character of the holy places shall therefore be preserved and access to them for purposes of worship and pilgrimage shall be ensured in accordance with existing rights.

2. In the interests both of the followers of various faiths and of the maintenance of peace, existing rights in Palestine enjoyed by the several religious communities shall be neither impaired nor denied.

3. The incorporation in the constitution of the independent federal state of Palestine of the provisions of the nature proposed in the preceding paragraph are designed to substantially allay the anxiety which is manifested in many quarters concerning the future status of the holy places, religious buildings and sites and the preservation of the rights of the communities in Palestine following the establishment of an independent state of Palestine.

4. The establishment of an adequate and impartial system for the settlement of disputes regarding religious rights is essential to the preservation of religious peace in Palestine.

5. Therefore,

IT IS RECOMMENDED THAT

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews in and outside of the DP camps, of whom approximately 250,000 are in assembly centers, would be accepted as a special concern of extreme urgency, for the alleviation of this problem, and by means of which a number of those members of the United Nations not already overpopulated would accept within their borders a proportionate number of Jewish refugees, with Palestine accepting its share of the limited area and resources, and insistently demand the right to settle there, on the basis of the historical association of the Jewish people with that country, and they are strongly supported in this demand by all of the Jews encountered by the committee in Palestine.

3. It is a fact, also, that many of the Jews in Palestine have relatives among the displaced Jews of Europe who are eager to emigrate to Palestine.

4. While the problem of Jewish immigration into Palestine is closely related to the solution of the Palestine question, it cannot be contemplated that Palestine is to be considered in any sense as a means of solving the problem of world Jewry. In direct and effective opposition to any such suggestion are the twin factors of time, the population and vigorous and persistent opposition of the Arab people who constitute the majority population of the country.

5. For these reasons, no claim to a right of unlimited immigration of Jews into Palestine, irrespective of time, can be entertained. It follows, therefore, that no basis could exist for any anticipation that the Jews now in Palestine might increase their numbers by means of free mass immigration to such extent that they would become the majority population in Palestine.

IT IS RECOMMENDED THAT

The problem of Jewish immigration into Palestine be dealt with in the following manner:

(a) For a period of three years from the effective date of the beginning of the transitional period provided for in the solution to be applied, the rights of the population of Palestine shall be maintained. Jewish immigration shall be permitted into the borders of the Jewish state in the proposed independent federal state of Palestine, in such numbers as not to exceed the absorptive capacity of that state, having due regard for the rights of the population then present within the state and for their anticipated natural rate of increase. The authority responsible for executing the transitional arrangements on behalf of the United Nations shall take all measures necessary to safeguard these principles.

(b) For the purpose of appraising objectively the absorptive capacity of the Jewish state in the independent state of Palestine, an international commission shall be established whose membership shall consist of three representatives designated by the Arabs of Palestine, three representatives designated by the Jews of Palestine and three representatives designated by the appropriate organ of the United Nations.

(c) The international commission shall be empowered to estimate the absorptive capacity of the Jewish state, and in discharging this responsibility may call upon the assistance of such experts as it may consider necessary.

(d) The estimates of the international commission, made in accordance with Subparagraphs 6a and 6b, shall be binding on the authority entrusted with the administration of Palestine, during the period referred to in Subparagraph 6a above.

(e) The international commission shall exist only during the period of three years, as provided for in paragraph 6a above, and its functions and activities, other than those relating to its liquidation, shall automatically cease at the end of that period.

(f) Responsibility for organizing and caring for Jewish immigrants during the transitional period shall be placed, in such representative local organization as the Jewish community of Palestine shall designate.

(g) Priority in the granting of Jewish immigration certificates during the transitional period shall be accorded to orphans, survivors who are of the same family, close relatives of persons already in Palestine and persons having useful scientific and technical qualifications.

CHAPTER VIII

Reservations and Observations

1. Some delegates have reserved their position on a number of special points or have wished to express particular points of view. These reservations and observations will be found in the appendix to the report.

2. The delegates making such reservations and observations, and the subjects on which they are recorded, are as follows:

The Delegate for Australia—1. Statement on attitude toward proposals in Chapters VI and VII.

The Delegate for Guatemala—1. Reservation on Recommendation XII of Chapter V.

The Delegate for India—1. Declaration on Independence.

The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

3. The above reservations and observations have been indicated in the appendix to the report.

4. The Delegate for India—1. Declaration on Independence.

5. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

6. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

7. The Delegate for India—1. Declaration on Independence.

8. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

9. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

10. The Delegate for India—1. Declaration on Independence.

11. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

12. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

13. The Delegate for India—1. Declaration on Independence.

14. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

15. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

16. The Delegate for India—1. Declaration on Independence.

17. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

18. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

19. The Delegate for India—1. Declaration on Independence.

20. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

21. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

22. The Delegate for India—1. Declaration on Independence.

23. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

24. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

25. The Delegate for India—1. Declaration on Independence.

26. The Delegate for Uruguay—1. Reservation on Recommendation XII of Chapter V.

27. The Delegate for Yugoslavia—1. Observations on historical background. 2. Appraisal of the mandate. 3. Observations on the present situation.

28. The Delegate for India—1. Declaration on Independence.