



OFFICIAL RECORDS OF THE SECOND SESSION OF
THE GENERAL ASSEMBLY

SUPPLEMENT No. 11

UNITED NATIONS
SPECIAL COMMITTEE
ON PALESTINE

REPORT TO THE GENERAL ASSEMBLY
VOLUME II

ANNEXES, APPENDIX AND MAPS

Lake Success
New York
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ANNEX I

Letter dated 2 April 1947 from the United Kingdom delegation to the Acting Secretary-General requesting a special session of the General Assembly on Palestine

(Document A/286)

[Original text: English]

New York
2 April 1947

Dr. Victor Chi Tsai Hoo,
United Nations,
Lake Success

Sir,

I have received the following message from my Government:

"His Majesty's Government in the United Kingdom request the Secretary-General of the United Nations to place the question of Palestine on the agenda of the General Assembly at its next regular annual session. They will submit to the Assembly an account of their administration of the League of Nations mandate and will ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.

In making this request, His Majesty's Government draw the attention of the Secretary-General to the desirability of an early settlement in Palestine and to the risk that the General Assembly might not be able to decide upon its recommendations at its next regular annual session unless some preliminary study of the question had previously been made under the auspices of the United Nations. They therefore request the Secretary-General to summon, as soon as possible, a special session of the General Assembly for the purpose of constituting and instructing a special committee to prepare for the consideration, at the regular session of the Assembly, of the question referred to in the preceding paragraph."

I have the honour to be . . .

(Signed) Alexander CADOGAN

ANNEX 2

Requests from the Governments of Egypt, Iraq, Syria, Lebanon and Saudi Arabia for inclusion of an item in the agenda of the special session

(Document A/287)

[Original text: English]

Washington, D. C.
21 April 1947

His Excellency Trygve Lie,
Secretary-General,
United Nations

Sir,

I have the honour to advise that according to instructions received from my Government and

in conformity with rule 18 of the provisional rules of procedure of the General Assembly, the Royal Egyptian Government requests to include the following additional item in the agenda of the forthcoming extraordinary meeting of the United Nations General Assembly which is to deal with the question of Palestine on 28 April 1947. The item reads as follows: The termination of the mandate over Palestine and the declaration of its independence.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mahmoud HASSAN
Egyptian Ambassador

(Document A/288)

[Original text: English]

Embassy of Iraq,
Washington, D. C.
21 April 1947

His Excellency Trygve Lie,
Secretary-General,
United Nations,
Lake Success, N. Y.

Excellency,

I have the honour to inform you that I have been instructed by my Government to request you, in accordance with rule 18 of the provisional rules of procedure for the General Assembly, to include the following as an additional item in the agenda of the special session of the General Assembly convening on 28 April 1947: The termination of the mandate over Palestine and the declaration of its independence.

Please accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Ali JAWDAT
Ambassador

(Document A/289)

[Original text: English]

Washington, D. C.
22 April 1947

His Excellency Trygve Lie,

I have the honour to inform you that I have been instructed by my Government to request you, in accordance with rule 18 of the provisional rules of procedure of the General Assembly, to include the following as an additional item in the agenda of the special session of the General Assembly convening on 28 April 1947: The termination of the mandate over Palestine and the declaration of its independence. Please accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Costi K. ZURAYK
Minister of Syria

Washington, D. C.
22 April 1947

Trygve Lie,
Excellency,

I have the honour to state that I am instructed by my Government to request in accordance with rule 18 of the provisional rules of procedure for the procedure of the General Assembly, the inclusion of the following additional item in the agenda of the forthcoming special session of the General Assembly scheduled to open on 28 April 1947: The termination of the mandate on and the granting of independence to Palestine. Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Charles MALIK
Minister of Lebanon in the United States

—
(Document A/291)
[Original text: English]

Royal Legation of Saudi Arabia
Washington, D. C.
22 April 1947

His Excellency Trygve Lie,
Secretary-General,
United Nations,
Lake Success, N. Y.

Excellency,

I have been instructed by my Government to request, in accordance with rule 18 of the provisional rules of procedure of the General Assembly, that the following item be put on the agenda of the special session which convenes on 28 April 1947: The termination of the mandate over Palestine and the declaration of its independence.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Asad AL-FAQIH
Minister

—
ANNEX 3

**Provisional rules of procedure of the
Special Committee**

(Document A/AC. 13/7)
[Original text: English]

I. CHAIRMAN, VICE-CHAIRMAN, AND RAPPORTEUR

Rule 1

The Special Committee shall elect its own Chairman, Vice-Chairman and Rapporteur, or Rapporteurs.

Rule 2

If the Chairman is unable to perform his functions, a new Chairman shall be elected for the unexpired term.

Rule 3

The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 4

In addition to exercising the powers which are conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting, shall direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce the decisions. He shall rule on points of order, and, subject to these rules, shall have complete control of the proceedings at any meeting.

II. LANGUAGES

Rule 5

The Committee will conduct its work in both English and French except when it may agree that the interpretation may be dispensed with.

Rule 6

Witnesses who are unable to employ any of the official languages of the United Nations shall as a rule provide their own interpreters. If a witness who appears at the instance of the Committee is unable to employ any of the official languages and to provide his own interpreter, the Secretariat shall arrange for the same.

III. RECORDS

Rule 7

As a general rule only summary records of its public and private meetings shall be drawn up unless the necessity for verbatim records in respect of a specific meeting or part of a meeting is recognized by the Committee.

Rule 8

Verbatim records will be taken of all hearings and made available to the members of the Committee. The Committee will decide in each case whether the testimony and discussion will be circulated verbatim or in summary form for the whole or part of the hearing.

**IV. PUBLICITY OF MEETINGS, PRESS COMMUNIQUES
AND VERBAL BRIEFINGS**

Rule 9

The meetings of the Committee shall be held in public unless the Committee decides otherwise.

Rule 10

Meetings of sub-committees shall also be held in public unless the sub-committee concerned decides otherwise.

Rule 11

Official press communiques shall be previously approved by the Chairman of the Committee. Press releases and verbal briefings may be issued by the press officer unless instructions to the contrary are given by the Committee.

V. CONDUCT OF BUSINESS

Rule 12

A majority of the members of the Special Committee shall constitute a quorum.

Rule 13

No representative may address the Special Committee without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 14

The Chairman and the Rapporteur of a sub-committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their sub-committee.

Rule 15

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

Rule 16

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion.

Rule 17

The Special Committee may limit the time allowed to each speaker.

Rule 18

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers.

Rule 19

The Chairman shall take the sense of the Special Committee on a motion for closure. If the Special Committee is in favour of the closure the Chairman shall declare the closure of the debate.

Rule 20

Resolutions, amendments, and substantive motions shall be introduced in writing and handed to the Principal Secretary who shall circulate copies to the representatives. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Special Committee unless copies of it have been circulated to all representatives not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

Rule 21

Parts of a proposal may be voted on separately if a representative requests that the proposal be divided.

Rule 22

If two or more amendments are moved to a proposal, the Special Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on, until all the amendments have been put to the vote.

Rule 23

When an amendment revises, adds to or deletes from a proposal, the amendment shall be voted on first, and if it is adopted, the amended proposal shall then be voted on.

VI. VOTING

Rule 24

Each member of the Special Committee shall have one vote.

Rule 25

Decisions of the Special Committee shall be taken by a majority of the members present and voting. Abstentions shall not be counted as votes.

Rule 26

The Special Committee shall normally vote by show of hands, but any representative may request a roll-call which shall then be taken in the English alphabetical order of the names of the members.

Rule 27

The vote of each member participating in any roll-call shall be inserted in the record.

Rule 28

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting; this meeting shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

VII. SUB-COMMITTEES AND SECRETARIAT

Rule 29

The Special Committee may set up sub-committees.

Rule 30

The Secretary-General or a member of the Secretariat designated by him may make to the Special Committee or any sub-committee any oral or written statement which the Secretary-General considers desirable.

VIII. LIAISON OFFICERS

Rule 31

The mandatory Power, the Arab Higher Committee, and the Jewish Agency for Palestine may appoint liaison officers to the Committee who shall supply such information or render such other assistance as the Committee may require. The liaison officers may, *suo motu*, present at the discretion of the Committee such information as they may think advisable.

IX. ORAL AND WRITTEN TESTIMONY

Rule 32

The Committee may, at its discretion, invite representatives of Governments or organizations, or private individuals, to submit oral or written testimony on any relevant matter.

Rule 33

Requests for oral hearing shall contain an indication of the subject or subjects on which the witness desires to testify.

Rule 34

The Committee may refer to a sub-committee for examination and recommendation such requests to present oral testimony as it deems advisable.

Rule 35

The Committee shall in each case decide the time and place of the hearing of any witness from whom it may decide to receive oral testimony. The Committee may advise any witness to submit his testimony in writing.

Rule 36

The Committee, on the basis of the time available to it, may limit either the number of witnesses or the time to be allowed to any witness.

Rule 37

The Committee may refer to a sub-committee for study and report such written testimony as it may deem advisable.

X. AMENDMENTS AND SUSPENSIONS

Rule 38

These rules of procedure may be amended or suspended by a decision of the Special Commit-

tee taken by a majority of the members present and voting.

ANNEX 4

Itinerary of the Special Committee in Palestine

[Original text: English]

PLACES OF INTEREST VISITED

June 18. Jerusalem—the Holy Places

The Mosques Haram esh Sharif and Al-Aqsa; the Wailing Wall; the four Synagogues in the Old City (Hurva, Rabbi Yochanan Ben Zakkai, Nissim Bey and Stambouli); and the Church of the Holy Sepulchre. Also the offices of the Supreme Moslem Council.

June 19. Haifa

Reception by the Chairman and members of the Municipal Commission at the Town Hall; the Shemen factory (a Jewish soap and oil factory); the Karaman Dick and Salti cigarette factory (Arab); the Ata textile factory (Jewish); the Consolidated Refineries Ltd. (an oil refinery); and Mount Carmel.

June 20. Dead Sea and Jericho area

The Palestine Potash Works (owned by the Palestine Potash Company, a company which employs equally Arab and Jewish labour); the kibbutz (Jewish agricultural settlement) of Beth Haarava; the Allenby Bridge on the Jordan River; Old Jericho, its ruins and excavations, including Elisha's Well and Walls.

June 21. The Hebron—Beersheba—Gaza area

Ain Arroub: the Government Horticultural Station; Hebron: the Bailey Secondary School, the Mosque and the Cave of Macphela; Beersheba: the girls' and boys' schools; Gaza: the Government School and the Government Forestry Station; reception by the Mayor in the Municipal Gardens.

June 24. Jaffa, Ramle, and Beit Dajan

Reception at the Municipality of Ramle. Beit Dajan: the Golden Spindle, a textile factory. Jaffa: the Palestine Iron and Brass Foundry; Dr. Dajani's private hospital; the Riad building estate; the Hassan Arafe municipal school; the port; the Anti-Tuberculosis Clinic and Therapeutic Centre; the outskirts of the city, including the Jewish quarters.

June 25. Tel Aviv

Reception by the Mayor and the Municipal Council at the Town Hall; the Port, the Standards Institute; Professor Goldberg's laboratory for precision optical instruments; the Elite chocolate factory; the Art Museum; the Permanent Industrial Exhibition of Palestine Products; the Women Immigrants' Home; the American Artificial Teeth factory; the municipal

housing schemes; the "People and its Land" exhibition of the Jewish National Fund; the Great Synagogue; the Bilu and Carmel municipal schools; municipal reception on board a yacht on the Yarkon River.

June 26. *The Northern Negeb and Hafetz Haim*

The Jewish settlements at Revivim, Nir Am and Hafetz Haim.

June 27. *Jerusalem*

The Hebrew University (including the School of Oriental Studies and the Islamic Library); the Hadassah Hospital and the Ratnoff Medical Centre.

June 28. *The Ramallah, Nablus and Tulkarm Areas*

Ramallah reception by the Mayor at the municipal offices; the Rural Women Teachers Training Centre and the American Friends Mission School for Boys. Nablus: Jacob's Well; reception by the Mayor at the Town Hall; the Shaker Soap Factory. Tulkarm: the Arab Kadoorie Agricultural School; Radi eff. Nabulsi's fruit farm.

June 30-July 2. *Three-day tour of Haifa rural areas and Galilee*

Zichron Yaakov (Rothschild settlement); Mishmar Haemek (Hashomer Hatsair settlement); Nahalal (co-operative settlement); Tiberias: reception by the Chairman and members of the Municipal Commission. Safad: Nebi Yusha and the Huleh Valley; Dan and Kfar Giladi (Jewish communal settlements); Acre: reception by the Mayor at the municipal offices; Government agricultural farm and stock breeding centre; and Nahariya.

July 3. *Yavne, Rehovoth and Ben Shemen in the Lydda district*

The Yavne Settlement. Rehovoth: the Agricultural Research Station; the private laboratory of Dr. Weizmann in the Daniel Sieff Institute. Ben Shemen: the children's village.

ANNEX 5

Transmission by the Secretary-General of a cable dated 13 June 1947 from the Arab Higher Committee to the Secretary-General concerning collaboration with the Special Committee

(Document A/AC.13/NC/16)

[Original text: English]

I have honour inform you have received following cable dated 13 June from Jamaal Husseini Vice Chairman Arab Higher Committee Jerusalem begins Arab Higher Committee Palestine desire convey to United Nations that after thoroughly studying the deliberations and circumstances under which the Palestine fact-finding committee was formed and the discus-

sions leading to terms of reference they resolved that Palestine Arabs should abstain from collaboration and desist from appearing before said committee for following main reasons—firstly United Nations refusal adopt natural course of inserting termination mandate and declaration independence in agenda special United Nations session and in terms of reference secondly failure detach Jewish world refugees from Palestine problem thirdly replacing interests Palestine inhabitants by insertion world religious interests although these are not subject of contention—furthermore Palestine Arabs natural rights are self evident and cannot continue to be subject to investigation but deserve to be recognized on the basis of principles of United Nations charter ends.

TRYGVE LIE, Secretary-General

ANNEX 6

Appeal for full co-operation broadcast by the Chairman of the Special Committee

[Original text: English]

Broadcast from the Palestine Broadcasting Service Studio in English at 1.30 p.m., 16 June 1947

The members of the United Nations Special Committee on Palestine are now here and the Committee, which I note from the press is referred to locally as UNSCOP, will get down to work immediately.

I would emphasize that the eleven-member group of which I have the honour to be Chairman is a special committee of the General Assembly of the United Nations created for the sole purpose of reporting to it on the Palestine question and submitting such proposals as it may consider appropriate for the solution of the problem of Palestine. In the achievement of this purpose, the duty of the Committee here, in the time available to it, is to learn all that it possibly can about this country and its people. To that end the Committee earnestly hopes for full co-operation in its task from all elements in the population.

I cannot put it too strongly that this Committee has come to Palestine with a completely open mind. Our membership represents eleven different countries elected by the General Assembly, no one of which has any direct concern with the Palestine question, but each of which shares the general concern for its equitable solution. We are impartial on this problem and we intend to make an impartial report to the General Assembly. We come without bias. We have reached no conclusions in advance and we will reach none until we are in possession of the necessary information. Indeed, the work of this Committee begins here.

I may say also that we are under no illusions. We are fully aware of the difficult nature of our mission. We are here to learn, and from what we learn we shall draw our own conclusions. We

wish those conclusions to be based on the fullest possible knowledge and consideration of all the relevant facts and it would be regrettable indeed if any part of that information were not to be available to us in the framing of our conclusions.

/ In this connexion, I would call attention to our Press Release No. 1 of 4 June 1947, before our arrival here, in which all organizations or persons so desiring were urged to prepare for the Committee at the earliest possible date written statements setting forth their views. Persons wishing to be heard orally were also invited to submit in writing their request for hearing. We repeat that invitation. Written testimony and requests for oral hearings should be addressed to me as Chairman of UNSCOP, c/o the Secretariat, Y.M.C.A. Building, Jerusalem.

We trust that this invitation will be received in the spirit in which it has been extended. We seek here information only, as the essential basis for our conclusions and we sincerely trust that all parties concerned will willingly and in good spirit provide us with it.

ANNEX 7

Letter dated 8 July 1947 from the Chairman of the Special Committee to the Arab Higher Committee inviting full co-operation

(Document A/AC.13/42)
[Original text: English]

Jerusalem 8 July 1947

I have the honour to inform you, on behalf of the United Nations Special Committee on Palestine, that the Secretary-General of the United Nations has communicated to the Committee the cable of 13 June, signed by you, which conveyed to the United Nations the decision of the Arab Higher Committee with regard to the attitude of Palestine Arabs toward the work of the Committee.¹

The Committee has noted with regret this decision of the Arab Higher Committee. In this connexion, your attention is called to my statement broadcast from the Palestine Broadcasting Service Studio on 16 June,² at which time I emphasized that "the Committee earnestly hopes for full co-operation in its task from all elements in the population."

On behalf of the Committee, I repeat to the Arab Higher Committee this invitation for full co-operation. The Committee would welcome expressions of the views of the Arab Higher Committee.

(Signed) Emil SANDSTROM
Chairman, United Nations Special Committee
on Palestine

ANNEX 8

Letter dated 10 July 1947 from the Arab Higher Committee confirming its decision concerning collaboration with the Special Committee³

(Document A/AC.13/NC/52)
[Original text: English]

Jerusalem 10 July 1947

I have the honour to acknowledge receipt of your favour of the eighth instant, inviting the Arab Higher Committee to full co-operation with your Committee.

I have today presented the said letter to the Arab Higher Committee for consideration, and hereby inform you of its decision:

"The Arab Higher Committee, after discussing the renewed invitation of the Chairman of the United Nations Special Committee on Palestine for the full co-operation of the Arab Higher Committee, finds no reason for reversing its previous decision submitted to the Secretary-General of the United Nations on 13 June 1947."

(Signed) J. HUSSEINI
Vice-Chairman,
Arab Higher Committee

ANNEX 9

List of principal documents and written statements submitted to the Special Committee

[Original text: English]

I. UNITED KINGDOM GOVERNMENT

The Political History of Palestine under British Administration. Memorandum presented by His Britannic Majesty's Government to the United Nations Special Committee on Palestine. London, July 1947, 41 pages.

NOTE: This document is placed before the United Nations as the "historical account of the way in which His Majesty's Government have discharged their trust in Palestine" to which Mr. Ernest Bevin referred in his statement to the House of Commons on 18 February 1947.

II. GOVERNMENT OF PALESTINE

(a) *Memorandum on the Administration of Palestine under the Mandate.* Jerusalem, June 1947, 14 pages.

(b) *Survey of Palestine*, Volumes I and II, prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry (Volumes I and II, 1139 pages, with a table of contents at the beginning of each volume and an index at the end of Volume II).

* See Annex 5.

¹ See Annex 5.

² See Annex 6.

(c) *A Survey of Palestine*, Volume III, containing analyses and additional information compiled in March 1946 at the request of members of the Anglo-American Committee of Inquiry. This volume (pages 1141 to 1871) supplements the first two volumes; its table of contents refers to the relevant chapters in Volumes I and II.

(d) *Supplement to Survey of Palestine*. Notes compiled for the information of the United Nations Special Committee on Palestine, June 1947, 153 pages. Its table of contents refers to the relevant pages in the first two volumes of the Survey of Palestine.

(e) *Draft Estimates of Revenue and Expenditure for the year 1947-1948*. Jerusalem, 1947, 197 pages. With four explanatory memoranda (Draft Estimates, 1947-48), Jerusalem, June 1947, 79 pages.

(f) *Statistical Abstract of Palestine*, 1944-1945, prepared by the Government's Department of Statistics (including population density figures for certain years, by sub-districts). Jerusalem, June 1947, 295 pages.

(g) Note containing information in regard to the basic products of the Palestine Potash Limited. Jerusalem, June 1947, 2 roneoed pages.

(h) *Vital Statistics Tables*, 1922-1945, prepared by the Government's Department of Statistics. Jerusalem, July 1947, 85 pages. With note to readers enclosed, 1 roneoed page.

(i) *Memorandum on emigration from Palestine*, Jerusalem, July 1947, 7 typewritten pages, including tables.

(j) Report on the local administration of Jerusalem made to the Government of Palestine by Sir William Fitzgerald, August 1945, submitted to the United Nations Special Committee on Palestine, Jerusalem, July 1947. 10 pages.

(k) Supplementary memorandum by the Government of Palestine, including notes on evidence given to the United Nations Special Committee on Palestine up to 12 July 1947. Jerusalem, July 1947, 59 pages.

(l) *Survey of Social and Economic Conditions in Arab Villages*, 1944, prepared by the Government's Department of Statistics (including a section on Education and Literacy, pages 32 and following). This Survey appeared in the *General Monthly Bulletin of Current Statistics* in parts, commencing with the July 1945 issue.

(m) *Memorandum on the water resources of Palestine*. Jerusalem, July 1947, 30 pages. This document replaces section 9 of Volume III of *A Survey of Palestine* (see (c) above) on the development of water resources, and consolidates section 8 of the same volume ("The Hydrological Cycle in Palestine") and Chapter X of Volume I (see (a) page 6).

(n) Note on the publication *Features of Emergency Legislation in Palestine*, submitted by the Vaad Leumi. Geneva, August 1947. 3 roneoed pages.

III. GOVERNMENTS OF ARAB STATES

(a) *Memorandum on political and social features of Arab countries in the Middle East*. Beirut, July 1947, 13 roneoed pages.

(b) Memorandum submitted by Mr. Camille Chamoun, representative of the Governments of the Arab States before the Special Committee. Geneva, August 1947, 3 roneoed pages.

IV. JEWISH AGENCY FOR PALESTINE

(a) *The Jewish Case before the Anglo-American Committee of Inquiry* (including a Political Memorandum, pages 268 and following). Jerusalem, 1947, 686 pages. With index.

(b) *Political Survey 1946-1947*. Jerusalem, 1947, 71 pages. This document is to be read as a continuation of the Political Memorandum contained in *The Jewish Case* (see (a) above).

(c) *The Palestine Issue*, preliminary memorandum submitted to the United Nations Special Committee on Palestine, 1947. 48 pages.

(d) *Trends of Economic Development in Palestine* (a series of 36 commented diagrams). Jerusalem, May 1947.

(e) *The position of the Jewish communities in the oriental countries* (revised version of the relevant chapter in *The Jewish Case*, pages 372 and following). Jerusalem, June 1947, 27 roneoed pages.

(f) *Reconversion in Palestine* (memorandum bringing up to date the relevant section in *The Jewish Case*, pages 429 and following). Jerusalem, June 1947, 26 roneoed pages.

(g) *Youth Aliyah Activities* (amplifying and bringing up to date the relevant note in *The Jewish Case*, pages 551 and following). Jerusalem, June 1947, 9 roneoed pages.

(h) *Some Legal Aspects of the Jewish Case*. Jerusalem, July 1947, 36 pages.

(i) *Memorandum on Zionism and the Arab world* (amplifying and bringing up to date the relevant section in *The Jewish Case*, pages 43 and following). With an appendix on "Pledges to the Arabs". Jerusalem, July 1947, 46 roneoed pages.

(j) *The immediate prospects of employment for immigrants and their housing*. Supplementary note, Jerusalem, July 1947, 9 roneoed pages.

(k) *The problem of the displaced and insecure Jews of Europe*. Jerusalem, July 1947, 11 roneoed pages.

(l) *Memorandum on workers' housing in Palestine*, issued by the Workmen's Housing Company, Ltd., Tel Aviv, 1946, and submitted by the Jewish Agency. Jerusalem, July 1947, 36 pages.

(m) *The Cyprus Camps*. Jerusalem, July 1947, 10 roneoed pages.

(n) *Reply to the Government of Palestine's memorandum on the administration of Palestine under the Mandate*. Jerusalem, August 1947, 29 pages.

(o) *Note on the economic viability of the Arab State in part of Palestine*. Geneva, August 1947. 3 typewritten pages.

(p) *Note on the Negev*. Geneva, August 1947. 6 roneoed pages.

(q) *Galilee in a partition of Palestine*. Geneva, August 1947. 4 roneoed pages.

(r) *Note on the place of Jerusalem in Jewish life and tradition*. Geneva, August 1947. 3 type-written pages.

(s) Observations on the supplementary memorandum of the Government of Palestine. Jerusalem, August 1947. 32 pages.

V. OTHER DOCUMENTS

1. Agricultural Workers' Organization

Memorandum on the Irrigation Bill, 1947, submitted to the Government of Palestine and communicated to the United Nations Special Committee on Palestine. Tel Aviv, July 1947. 18 roneoed pages.

2. Agudath Israel World Organization

(a) Letter dated 3 June 1947 on the traditions and scope of Agudath Israel. Signed by Jacob Rosenheim, President, New York, June 1947. 2 roneoed pages.

(b) Memorandum signed by Rabbi I. M. Lewin, Chairman. Jerusalem, June 1947. 18 roneoed pages.

3. Alliance Israélite Universelle

Memorandum on the problem of Palestine. Signed René Cassin, President. Paris, June 1947. 3 roneoed pages.

4. American Council for Judaism

Memorandum on aspects of the problem of Palestine. Signed Lessing J. Rosenwald, President. New York, June 1947. 27 pages.

5. American Jewish Committee

Statement signed by J. M. Proskauer, President, and by Jacob Blaustein, Chairman, Executive Committee. New York, May 1947. 13 pages.

6. American Jewish Conference

Statement signed by Louis Lipsky, Chairman, Executive Committee. New York, June 1947. 18 pages.

7. Anglo-Jewish Association

Statement of views on Palestine. London, June 1947. 5 roneoed pages.

8. Arab and Jewish "Democratic Students"

Memorandum on education submitted by an anonymous group. July 1947. 8 roneoed pages.

9. Armenian Patriarchate

Memorandum on the religious interests of the Armenians and their Church in Palestine. Jerusalem, July 1947. 14 roneoed pages.

10. Bnei-Horin Movement

Memorandum entitled "Solution of the Palestine Problem". Signed by the Chairman of the Executive Committee. Haifa, June 1947. 9 pages.

11. The Board of Deputies of British Jews

Statement of views on the problem of Palestine. London, July 1947. 7 pages.

12. Catholic Near East Welfare Association, New York

Memorandum on the position of Jewish communities in Palestine, signed by the National Secretary, Msgr. Thomas J. McMahon. New York, June 1947. 5 roneoed pages.

13. Central Board of the Jewish Communities of Greece

Memorandum on the position of Jewish communities of Greece. Athens, July 1947. 6 roneoed pages.

14. Central Committees of Liberated Jews in Germany, Austria and Italy

Memorandum on the situation and claims of Jewish displaced persons. July 1947. 9 roneoed pages.

15. Central Union of Landlords' Associations

Memorandum signed by the Chairman of the Executive. Tel Aviv, July 1947. 7 roneoed pages.

16. Chamber of Commerce of Tel Aviv and Jaffa

Memorandum on the Arab economic boycott of Jewish goods. Tel Aviv, July 1947. 9 roneoed pages.

17. Church of England in Jerusalem

Memorandum by the Right Rev. W. H. Stewart, submitted to the Anglo-American Committee of Inquiry and re-submitted to the United Nations Special Committee on Palestine. Jerusalem, March 1946. 11 roneoed pages.

18. Church of England and Church of Scotland in Jerusalem

Memorandum on the Christian case in Palestine, submitted jointly by the Right Rev. W. H. Stewart and Mr. W. Clark Kerr. Jerusalem, June 1947. 5 roneoed pages.

19. Church of Scotland in Jerusalem

Letter from W. Clark Kerr, Moderator, dated 12 July 1947, enclosing a letter sent to the Editors of *The Times* and *The Scotsman* after the blowing up of the King David Hotel.

20. Communist Party of Palestine, Central Committee

Memorandum, Tel Aviv, February 1947. 12 roneoed pages. Memorandum, Tel Aviv, July 1947. 27 roneoed pages.

21. Consul-General of France in Palestine

Memorandum on French religious and educational institutions in the Holy Land. Jerusalem, June 1947. 15 pages.

22. *Council of the Ashkenasic Jewish Community, Jerusalem*
 Statement, Jerusalem, July 1947. 13 roneoed pages.
23. *The Council of Jewish Associations in Belgium*
 Memorandum on the situation of Jews in Belgium. Brussels, July 1947. 8 roneoed pages.
24. *Council of Jewish Communities in Bohemia, Moravia and Silesia*
 Memorandum on the position of Jewish communities in the western part of Czechoslovakia. Prague, July 1947. 8 roneoed pages.
25. *Council of Jewish Women's Organizations in Palestine*
 Memorandum on "Jewish Women and the upbuilding of Palestine". July 1947. 8 roneoed pages.
26. *The Country Office of the Hungarian Jews, the Central Office of the Orthodox Jewish Community in Hungary, the Hungarian Section of the World Jewish Congress, the Hungarian Association of Zionists, and the Hungarian Organization of the Agudath Israel.*
 Memorandum on the aspirations of the Jews of Hungary. Budapest, July 1947, 3 roneoed pages.
27. *Custody of Terra Sancta*
 (a) Memorandum on the wishes of the Catholics in Palestine. Jerusalem, July 1947, 9 roneoed pages.
 (b) List of Christian holy places in Palestine, submitted by the Father Custos of the Holy Land at the Committee's request. Jerusalem, July 1947, 6 roneoed pages.
28. *Democratic Club, Tel Aviv*
 Letter signed by M. Stein, Chairman. Tel Aviv, 1 July 1947, 2 roneoed pages.
29. *Dutch Jewish Congregation*
 Note on the situation and aspirations of Dutch Jewry. Amsterdam, August 1947. 5 roneoed pages.
30. *The Federation of Jewish Religious Communities of the Federated People's Republic of Yugoslavia*
 Report on the problems of Yugoslav Jews. Belgrade, July 1947, 4 roneoed pages.
31. *Fighters for the Freedom of Israel (Lohamey Herut Israel)*
 Memorandum entitled "For Justice, Freedom and Peace". June 1947, 55 roneoed pages.
32. *General Federation of Jewish Labour in Eretz-Israel (Histadrut)*
 Survey of Histadrut Activities. Tel Aviv, July 1947, 36 roneoed pages.
33. *Greek Orthodox Patriarchate of Jerusalem*
 (a) Memorandum submitted by the Greek Archdiocese of North and South America, New York, June 1947, 3 roneoed pages.
 (b) Memorandum on the safeguarding and protection of the rights, privileges and interests of the Greek Orthodox Patriarchate of Jerusalem. A list of the religious, educational and social institutions of the Patriarchate and of its properties is appended. Jerusalem, July 1947, 3 roneoed pages.
34. *Hebrew Fraction of Jewish Population in the Holy Land*
 The Hebrew Case. Jerusalem, July 1947. 3 roneoed pages. The authors of this memorandum consider that they represent that section of the Jewish population born and educated in Palestine.
35. *Horowitz S. and Co.*
 Letter transmitting copies of the proceedings in High Court Case No. 1 of 1947, referring to the validity of the Land Transfer Regulations of 1940. Jerusalem, July 1947, 80 roneoed pages.
36. *Ihud (Union) Association of Palestine*
 (a) Written statement to the Anglo-American Committee of Inquiry, March 5, 1946, submitted to the United Nations Special Committee on Palestine, June 1947. 57 roneoed pages.
 (b) Written statement to the Special Committee. Jerusalem, June 1947, 12 roneoed pages.
 (c) Towards Union in Palestine, essays on Zionism and Jewish-Arab co-operation. Jerusalem, 1947, 124 pages.
 (d) The Case against Partition. Two additional memoranda: (1) The Case against Partition by J. L. Magnes and (2) Some Remarks on the Practicability of Partition by M. Reiner. Jerusalem, July 1947, 9 roneoed pages.
37. *Irgun Zvai Leumi*
 (a) Memorandum, June 1947, 42 roneoed pages.
 (b) Letter concerning the appeal by the General Assembly of the United Nations to refrain from the threat or use of force. 16 June 1947, 7 roneoed pages.
 (c) Letter appealing to prevent the carrying out of three death sentences. 8 July 1947, 1 roneoed page.
 (d) The Hebrew Struggle for National Liberation. A selection of documents on its background and history. Palestine, July 1947, 85 roneoed pages.
38. *The Jewish Fellowship*
 Memorandum adopted at the Jewish Fellowship's Council meeting. This memorandum deals specifically with the religious aspects of a solution to the Palestine problem. London, July 1947, 4 roneoed pages.
39. *Jewish Resistance Movement*
 Memorandum dated 11 July 1947. 9 roneoed pages.

40. League for the Equal Right to Work

Memorandum on Colonial Practice in Palestine. Tel Aviv, 1947, 4 roneoed pages.

41. League for Jewish-Arab Rapprochement and Co-operation

Memorandum to the United Nations Special Committee on Palestine. Jerusalem, 30 June 1947, 8 roneoed pages.

42. League for Peace with Justice in Palestine

Views on the question of Palestine for United Nations Special Committee on Palestine. New York, June 1947, 19 roneoed pages. With exhibits.

43. Ligue Mondiale de la Paix

Memorandum. Jerusalem, June 1947, 5 roneoed pages.

44. Manufacturers' Association of Palestine

Memorandum on Jewish Industry in Palestine. Tel Aviv, July 1947, 16 roneoed pages. With annexes.

45. Maronite Archdiocese of Beirut

Memorandum submitted by the Maronite Archbishop of Beirut. Beirut, August 1945, 4 roneoed pages.

46. Municipal Corporation of Tel Aviv

Memorandum claiming "that the inclusion of the Jewish quarters of Jaffa within the Tel Aviv area" should be carried into effect. Tel Aviv, July 1947, 11 roneoed pages.

47. The Nation Associates

(a) Memorandum on the Palestine problem and proposals for solution submitted to the General Assembly of the United Nations. New York, April 1947, 133 pages.

(b) Documentary record on the Arab Higher Committee, its origins, personnel and purposes. New York, May 1947, 9 pages, plus annexes.

48. Mr. R. Nochimowski

Memorandum on the administration of justice in Palestine. Tel Aviv, July 1947, 14 roneoed pages.

49. Palestine Communist Union, Central Committee

Memorandum on the problem of Palestine. Tel Aviv, June 1947, 15 roneoed pages.

50. Palestine Economic Corporation

Memorandum to United Nations Special Committee on Palestine. New York, June 1947, 16 pages.

51. Palestine Jewish Colonisation Association (Edmond de Rothschild Foundation)

Memorandum to United Nations Special Committee on Palestine. Jerusalem, June 1947, 13 roneoed pages.

52. Palestine Orthodox Jewish Workers' Organization (Hapoel Hamizrahi)

Memorandum. Tel Aviv, July 1947, 6 roneoed pages.

53. Palestine Potash Limited

Memorandum by the Managing Director submitted in view of the possibility of partition or other political and/or economic division of Palestine. Jerusalem, July 1947, 9 pages, plus annexes and maps.

54. Political Action Committee for Palestine

(a) Letter addressed to Dr. Hoo, personal representative of the Secretary-General, United Nations Special Committee on Palestine. New York, 4 June 1947, 2 typewritten pages.

(b) Report to the President of the United States of America together with certain recommendations. New York, January 1947, submitted to the Special Committee on 4 June 1947. 20 roneoed pages.

55. Progressive Zionist District 95

Plan for the creation of the Jewish Republic of Palestine. New York, June 1947, 22 pages.

56. Relatives Committee for Detainees and Exiled Persons

Letter to the Chairman of United Nations Special Committee on Palestine. Tel Aviv, June 1947, 8 roneoed pages.

57. Sephardic and Oriental Communities

Memorandum submitted by representatives of the Communities. Jerusalem, July 1947, 21 roneoed pages.

58. Union of Italian Jewish Communities

Memorandum on the position of Jewish communities in Italy, Rome, July 1947, 3 roneoed pages.

59. The Union of Jewish Communities of Slovakia

Memorandum on the situation of Jews in Slovakia. Bratislava, July 1947. 5 roneoed pages.

60. Union for the Protection of the Human Person

(a) Letter to United Nations Special Committee on Palestine containing a proposal for partition, New York, 4 June 1947, 5 roneoed pages.

(b) Memorandum on the problem of the Palestine Mandate before United Nations, New York, June 1947, 18 pages.

61. United Israel World Union

Printed letter to United Nations Special Committee on Palestine. New York, 4 June 1947, 3 pages.

62. United Zionist Revisionist Organization

Memorandum entitled "The Jewish State as the Complete Solution of the Jewish Problem". Jerusalem, July 1947, 19 roneoed pages.

63. *Vaad Leumi*

(a) Memorandum on features of emergency legislation in Palestine. Jerusalem, June 1947, 15 pages.

(b) Memorandum on local government in Palestine. Jerusalem, June 1947, 46 pages, including appendices.

(c) Memorandum on the Jewish community of Palestine and its social services. Jerusalem, June 1947, 49 pages.

(d) Historical Memoranda dealing with: 1) the number and density of population in ancient Palestine; 2) the Jewish population in Palestine from the fall of the Jewish State to the beginning of Zionist pioneering; 3) the waves of immigration into Palestine between 640 and 1882. Jerusalem, June 1947, 104 pages.

(e) Memorandum on the plight of Jews in Yemen. Jerusalem, June 1947, 7 roneoed pages.

64. *Vaad Mishmereth Hazniuth*

Letter opposing mixed bathing. Jerusalem, 19 June 1947, 2 roneoed pages.

65. *Women's International Zionist Organization of America (Hadassah)*

Memorandum on its activities. Tel Aviv, June 1947, 16 roneoed pages.

66. *World Jewish Congress*

(a) Letter dated June 11, 1947 and signed by Stephen S. Wise, President. New York, 2 roneoed pages.

(b) Memorandum summarizing the views on the Jewish problems held by the great majority of Jews throughout the world. With tables of the Jewish population in Europe, North Africa and the Middle East and of total numbers of Jewish refugees and displaced persons. Geneva, August 1947, 14 roneoed pages.

67. *World Union of Hashomer Hatzair Workers' Parties, New York*

The Case for a Bi-National Palestine. Jerusalem, May 1947, 160 pages.

68. *Zion Apostolic Mission, Jerusalem*

Letter dated July 4, 1947, supporting on behalf of "a large number of Christians" the return of the Jews to Palestine. 5 roneoed pages.

69. *The Zionist Organization of Roumania*

Memorandum on the situation of Jews in Roumania. Bucharest, July 1947, 9 roneoed pages.

ANNEX 10

Letter dated 17 June 1947 from relatives of the men sentenced to death by the Jerusalem Military Court on 16 June 1947

(Document A/AC.13/NC/27)

[Original text: English]

Jerusalem, 17 June 1947

Chief Justice Emil Sandstrom,
Chairman, Special Committee

We, the undersigned, are the parents and relatives of the three young men who were yesterday

convicted and sentenced to death by the Military Court of Jerusalem in connexion with offences under the Defence (Emergency) Regulations. Our sons were found guilty of participation in the attack on the Central Prison of Acre which took place on 4 May 1947, as a result of which certain Jewish and Arab prisoners have made good their escape.

Unfortunately our three sons refused legal aid in connexion with their trial and although we have appointed an advocate to represent them, they dispensed with his services stating that they did not recognize the authority of the Military Court and of the Defence Regulations under which they were tried.

It was perfectly clear from the evidence that the attackers did not inflict any casualties on the security forces or on anybody else and not a single soldier or policeman was killed or hurt. Moreover, it is not clear from the prosecution evidence what share in the attack our sons did take, if at all. They were arrested outside the city of Acre after the attack on the prison.

The three of them are very young persons. Abshalom Habib, who is only 20 years of age, is a University student. Meir Nakar, aged 21, is a workman and served three years with the British Army, having been demobilized in August 1946. Jacob Weiss, who is 23, was an employee in a factory and has only recently arrived in Palestine, having lost his parents and other members of his family who were exterminated by the Nazis. He has a sister who lives in Czechoslovakia.

We sincerely think that it would be unjust to execute the death sentence in this case and we strongly feel that the death sentence should be commuted to one of imprisonment. We realize, of course, that our sons were found guilty of serious offences, but they must have been influenced in whatever they have done by political propaganda, probably misguided, as a result of the tragic position of their people. They are very young men and obviously they acted as idealists believing they were helping their people in that way. Having committed a crime against the laws of this country, we understand that they must be punished, but not put to death.

We therefore humbly beseech you that you, Sir, and the Committee, may see fit to use your good offices with the Government and military authorities in this country to prevent the execution of our youthful sons by procuring a commutation of the death sentence passed upon them.

We feel that you will appreciate the fact that the whole phenomenon of young men of good education and of respectable and law-abiding families taking part in such exploits is the result of a greater tragedy in which our people are situated. It is that tragedy and the implications thereof that drive some of these young men to indulge in this unfortunate activity. The knowledge that you have now been charged with the

historic mission to contribute to the solution of that tragedy justifies us in applying to you with our humble request.

(Signed) Eliezer HABIB

Rivka HABIB

Masouda and Kadouri NAKAR

Henriette REISNER

Aunt of Jacob Weiss

ANNEX 11

Amendment 7 to the Palestine Defence (Emergency) Regulations of 1945

[Original text: English]

In exercise of the powers vested in him by Article 6 of the Palestine (Defence) Order in Council, 1937, the High Commissioner hereby makes the following regulations:

1. (1) These regulations may be cited as the Defence (Emergency) (Amendment No. 7) Regulations, 1947, and shall be read and construed as one with the Defence (Emergency) Regulations, 1945, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force at noon on the 15th day of April, 1947.

2. Regulation 30 of the principal regulations shall be repealed and replaced by the following regulation:

30. There shall be no appeal from any judgment, sentence, order, decision or direction (whether given, passed or made before or after the coming into force of the Defence (Emergency) (Amendment No. 7) Regulations, 1947) of a Military Court, or of the General Officer Commanding in relation to any proceedings, conviction or sentence of a Military Court, and no such judgment, sentence, order, decision or direction shall be called in question or challenged, whether by writ or in any manner whatsoever, by or before any Court.

3. Regulation 52 of the principal regulations shall be repealed and replaced by the following regulation:

52. (1) The provisions of this regulation shall have effect in the case of death sentences passed by Military Courts.

(2) Every such sentence shall direct that the person sentenced shall be hanged by the neck until he is dead.

(3) The General Officer Commanding may from time to time by order give such directions (whether of general or special application) as he may deem appropriate in relation to all or any of the following matters:

- (a) The time and place of execution,
- (b) Custody of the person or persons under sentence pending execution,
- (c) Any other matter relating to, or arising out of, the sentence or the execution, including the disposal and burial of the body.

(4) Save in so far as they may be applied by directions given by order of the General Officer Commanding under this regulation, rules 288 to 303 of the Prisons Rules shall not apply in the case of death sentences passed by Military Courts.

(5) This regulation shall have effect whether the sentence of death has been passed before or after the coming into force of the Defence (Emergency) (Amendment No. 7) Regulations, 1947.

Dated the 14th day of April, 1947.

By His Excellency's Command,

(Signed) H. L. G. GURNEY

Chief Secretary

ANNEX 12

Letter dated 23 May 1947 from the United Kingdom representative to the Secretary-General concerning transit of illegal immigrants

(Document A/AC. 13/13)

[Original text: English]

New York, 23 May 1947

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to invite your attention to the resolution passed by the General Assembly on 15 May 1947 in the following terms:¹

"The General Assembly

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

It appears to His Majesty's Government that one of the most important ways in which Members of the United Nations can assist towards a peaceful solution of the Palestine problem is by doing all in their power to discourage illegal immigration while the question remains *sub judice*.

As an indication of the gravity of this question, His Majesty's Government would point out that during the six months from mid-October 1946 onwards, approximately 15,000 Jewish illegal immigrants from various European ports were intercepted in Palestine waters and diverted to camps in Cyprus. This figure may be compared with the present legal immigration rate of 18,000 a year and the fact, mentioned by Mr. Bevin in his speech in the House of Commons on 25 February last, that 96,000 Jewish immigrants had been admitted to Palestine since May 1939.

¹ Resolution No. 107 (S-1). Resolutions adopted by the General Assembly during its first special session, page 7.

ANNEX 14

Letter dated 22 June 1947 from the Special Committee in reply to the letter from relatives of the men sentenced to death by the Jerusalem Military Court³

(Document A/AC. 13/23)

[Original text: English]

Jerusalem

22 June 1947

In the face of this situation His Majesty's Government recently made renewed representations to all the European Governments concerned to prevent the departure of illegal immigrant vessels. Now, however, that the General Assembly is seized of the question of Palestine, and in view of the resolution quoted above, His Majesty's Government consider that it is especially incumbent on all Members of the Organization to discourage, as far as lies in their power, any illegal activity which is likely to increase the difficulty of finding a solution of the Palestine problem.

I am therefore instructed to request you to appeal to all Member States to take the strictest precautions, in so far as they are concerned, to prevent the transit through their territory and the departure from their ports of Jews attempting to enter Palestine illegally.

I shall be grateful if Your Excellency will inform me of the steps which you are able to take to give effect to this request, and of the replies which may be received from Members of the United Nations.

(Signed) Valentine LAWFORD
(for Sir Alexander Cadogan)

ANNEX 13

Resolution adopted by the Special Committee concerning death sentences pronounced by the Jerusalem Military Court

(Document A/AC. 13/24)
[Original text: English]

In view of the fact that the majority of the members of the Committee have expressed concern as to the possible unfavourable repercussions that execution of the three death sentences pronounced by the Military Court of Jerusalem on 16 June, the day on which the Committee held its first meeting in Jerusalem, might have upon the fulfilment of the task with which the General Assembly has entrusted the Committee, and

Considering the opinion of such members as to the scope of the resolution on the Palestine question adopted on 15 May 1947 by the General Assembly,¹

The Committee resolves that the Chairman communicate to the Secretary-General a copy of this resolution and of the letter² received from the relatives of the condemned persons for transmission to the mandatory Power.

Twelfth meeting,
22 June 1947.

ANNEX 14

Letter dated 22 June 1947 from the Special Committee in reply to the letter from relatives of the men sentenced to death by the Jerusalem Military Court³

(Document A/AC. 13/23)

[Original text: English]

Jerusalem

22 June 1947

On behalf of the Special Committee on Palestine I wish to acknowledge receipt of your letter of 17 June 1947 addressed to me as Chairman, concerning the three young men who had been convicted and sentenced to death by the Military Court of Jerusalem on 16 June.

On grounds relating to the circumstances of the case and the personal conditions of the condemned, you request the Committee to use its good offices with the Government and military authorities to prevent the execution of the youths by procuring a commutation of the death sentence passed upon them.

Your letter has been called to the attention of the Committee, which has considered it with full appreciation of your anguish.

I am authorized by the Committee to tell you that it is beyond the scope of the Committee's instruction and function to interfere with the judicial administration in Palestine; but having regard in the circumstances to the task of the Committee, the matter is being brought to the attention of the proper authorities.

(Signed) Emil SANDSTROM
Chairman,
Special Committee on Palestine

ANNEX 15

Letter dated 23 June 1947 from the Government of Palestine concerning the resolution adopted by the Special Committee on 22 June 1947⁴

(Document A/AC. 13/NC/34)
[Original text: English]

Jerusalem

23 June 1947

I am directed to inform you that it is observed from the press that your Committee has published a resolution expressing the concern of the majority of its members as to the possible unfavourable repercussions that the execution of the three death sentences pronounced by the Military Court at Jerusalem on 16 June might have on the fulfilment of the task with which

¹ Resolution No. 107 (S-1). For text see Annex 12.

² See Annex 10.

³ See Annex 13.

the General Assembly of the United Nations has entrusted with the Committee.

As the Committee is no doubt aware, the sentences referred to above have not been confirmed, and without such confirmation have no legal force or effect. The matter is therefore *sub judice*, and in these circumstances it is necessary to avoid public comment.

It is noted that the resolution refers to 16 June as the day on which the Committee held its first meeting in Jerusalem. It is presumably not suggested that the Court pronounced sentence on this day otherwise than in the ordinary course of judicial process. There would of course be no truth in any such suggestion.

(Signed) H. L. GURNEY
Chief Secretary

ANNEX 16

Reply of the United Kingdom representative to the Special Committee resolution of 22 June 1947

(Document A/AC. 13/30)
[Original text: English]

The following telegram, dated 30 June 1947, has been received from the Secretary-General.

Text of the United Kingdom representative's reply to me dated 30 June is forwarded for information of the Chairman of the Special Committee: In reply to your letter No. 801-14-10/AWC of June enclosing a telegram from the Secretariat of the Special Committee of Palestine concerning certain death sentences passed by the Military Court in Jerusalem, I have been instructed by my Government to communicate to you the following: His Majesty's Government in the United Kingdom have received and taken note of the resolution passed by the United Nations Special Committee on Palestine on 22 June¹ in regard to the three death sentences pronounced by the Military Court in Jerusalem on 16 June. As the Committee have already been informed by the Palestine authorities, the death sentences in question have not yet been confirmed by the General Officer Commanding under Regulations 47 and 48 of the Palestine Defence (Emergency) Regulations 1945 and are therefore still *sub judice*. If the sentences are confirmed by the General Officer Commanding, it will then be open to the High Commissioner for Palestine to exercise, if he thinks fit, the royal prerogative of pardon delegated to him by His Majesty. It is the invariable practice of His Majesty's Government not to interfere with the High Commissioner's discretion whether or not to exercise this prerogative. As regards the resolution on the Palestine question adopted by the General Assembly of the United Nations on 15

May, to which the Committee refers, His Majesty's Government interpret this resolution as applying to action calculated to disturb the peace in Palestine. They cannot admit its relevance to the normal processes of the administration of justice there. His Majesty's Government have informed the High Commissioner for Palestine of the contents of the Secretary-General's communication of 28 June to His Majesty's Government and of the terms of their reply.

Trygve LIE,
Secretary-General

ANNEX 17

Resolution adopted by the Special Committee concerning acts of violence

(Document A/AC. 13/28)
[Original text: English]

The members of the Committee, taking note of the public reports of acts of violence committed in Palestine since their arrival in the country, record their sense that such acts constitute a flagrant disregard of the appeal made in the resolution of the General Assembly of the United Nations of 15 May 1947.²

Fifteenth meeting,
29 June 1947.

ANNEX 18

Report of Sub-Committee 3 on its visit to certain assembly centres for Jewish refugees and displaced persons in Germany and Austria

(Document A/AC. 13/SC. 3/5)
[Original text: English]
20 August, 1947

The Sub-Committee visited in the period 8-14 August a number of assembly centres for Jewish refugees and displaced persons in Germany and Austria, with a view to ascertaining and reporting to the Committee on their attitude regarding resettlement, repatriation or immigration into Palestine, as laid down in the terms of reference adopted by the Committee.

The Sub-Committee was composed of the following representatives or alternates:

Mr. J. D. L. Hood, Australia, *Chairman*; Mr. Léon Mayrand, Canada; Mr. Richard Pech, Czechoslovakia; Mr. J. García Granados, Guatemala; Mr. V. Viswanathan, India; Mr. Ali Ardalan, Iran; Mr. A. I. Spits, Netherlands; Mr. Paul Mohn, Sweden; Professor E. R. Fabregat, Uruguay; Mr. Joze Brilej, Yugoslavia.

¹ Resolution No. 107 (S-1), *Resolutions adopted by the General Assembly* during its first special session, page 7.

² See Annex 13.

The itinerary set forth in Appendix I of the first report of the Sub-Committee was followed.

The following assembly centres were visited:

A. UNITED STATES ZONE OF GERMANY

Kloster Indersdorf

An assembly centre for some 175 Jewish children in the age groups 8 to 16 years, mainly of Polish origin.

Landsberg

An assembly centre for approximately 5,000 Jewish refugees and displaced persons, of whom 80 per cent are of Polish origin, in the main age groups 20 to 35 years.

Bad Reichenhall

An assembly centre for approximately 5,500 Jewish refugees and displaced persons, of whom some 85 per cent are of Polish origin.

B. UNITED STATES SECTOR OF VIENNA

Rothschild Hospital

A reception and assembly centre containing approximately 4,000 Jewish refugees who had arrived from Roumania during the last six weeks.

Arzberger School

An assembly centre for approximately 2,250 Jewish refugees from Roumania.

C. UNITED STATES SECTOR OF BERLIN

Duppel Center

An assembly centre for approximately 3,400 Jewish refugees, mainly arrived from Poland during the summer of 1946.

D. BRITISH ZONE OF GERMANY

Hohne Camp, near Bergen-Belsen

An assembly centre for approximately 9,000 Jewish refugees and displaced persons, some 85 per cent of whom are of Polish origin.

In addition, Mr. Mohn and Mr. Spits, who stayed behind while the rest of the Sub-Committee proceeded to Vienna, visited the following assembly centres in the *United States Zone of Germany*: Fohrenwald, Ainring and Neu Freimann Siedlung; *United States Zone of Austria*: Franz Joseph Kaserne in Salzburg.

During the visits to the above assembly centres, the Sub-Committee questioned in private 100 persons of both sexes and from all age groups and nationalities found in the centres.

Although the number of persons interviewed was necessarily limited, the conditions under which the questioning was carried out and the

representative nature of the assembly centres visited suggested that the results obtained could fairly be regarded as typical of all the centres of Jewish refugees and displaced persons in Germany and Austria. This opinion was corroborated by that of the various military and other authorities with whom the Sub-Committee came into contact. We were told that the sentiment in favour of immigration to Palestine was perhaps slightly less marked in the Brit. zone than in the American, but we had no time to check on this view. At the only assembly centre visited in the British zone, namely, Bergen-Belsen, which is the largest centre in Germany, the results of questioning were uniformly similar to those noted elsewhere. Further, various persons who were in a position to compare the state of feeling as between this year and last were all disposed to agree that there had been an intensification of sentiment in favour of immigration to Palestine since, for example, the time of the visit of the Anglo-American Committee of Inquiry. Taken over all, it seems to us fair to say that practically all the persons in the Jewish assembly centres in Germany and Austria wish, more or less determinedly, to go to Palestine.

The alternatives to resettlement, namely, repatriation or absorption into the German or Austrian communities were investigated. The prevailing reaction among the persons questioned, many of whom had returned to their former place of residence in order to trace relatives and property, was a refusal to repatriate. The reasons given were based on a fear of growing anti-Semitism, in spite of admitted efforts by the Governments concerned to check such a development, and an incapability to start life again in places haunted by memories of endured horrors. During talks which we had with high representatives of the occupation authorities we got the impression that any large-scale absorption of the Jewish displaced persons into the German or Austrian communities was impossible. The feeling of anti-Semitism is strong among the native population, especially towards the Jews now living in assembly centres.

The question arises whether the determination to go to Palestine would change substantially if real prospects of resettlement in other countries were offered. The overwhelming majority of the persons questioned affirmed that they would not consider resettlement in any country except Palestine, declaring that they would rather wait indefinitely until the opportunity to go to Palestine came or attempt illegal passage. As the questions directed in this sense were of necessity hypothetical, the results cannot be regarded as conclusive, and our impression is that a reasonable estimate of the proportion who would in fact accept offers of immigration elsewhere than Palestine, if they were firm offers and not merely hopeful expectations, would be some 20 to 25 per cent. In this connexion, we attach as Appendix I the results of a census taken by the representative in Berlin of the Preparatory Commission for the International Refugee Organization amongst the 3,400 Jews living in Duppel Center

in the American sector of Berlin, most of whom had been staying in the centre for a year.¹

Taking into account this and certain other considerations which tend to detract somewhat from the unanimity of the opinion expressed, the outstanding fact nevertheless remains, as confirmed by our observations, that there exists among the Jewish displaced persons in Germany and Austria today a mass urge towards settlement in Palestine. We were left in little doubt that if only because of the extraordinary intensity of the feeling displayed in this direction, such a situation must be regarded as at least a component in the problem of Palestine. This is true whether the state of mind among the Jews is to be regarded as spontaneous or whether it is to be attributed to deliberate indoctrination; in either case the situation seems to us to be unavoidably an element in the shaping of the policy of organized Jewry in relation to Palestine. (A completed questionnaire chosen at random from among the hundred in our possession is attached as Appendix II in order to indicate the character of the answers given to our questions.)

As a matter of fact, it is probable that the state of mind prevailing in centres is due to a combination of factors which all react upon one another. There is undoubtedly a certain element of propaganda, and there is also an element of self-persuasion deriving from the trend of education, present political, economic and social conditions in Europe, the whole Zionist background of eastern European Jewry, and the memory of the Nazi persecution which resulted in the death of six million Jews. As regards propaganda, some actual evidence was seen in the form of posters and written material at some of the centres. In particular, at one centre a poster was noted with the inscription "Palestine—a Jewish State for the Jewish People" and also a large pictorial design showing Jews from eastern Europe on the march towards Palestine shown as a much larger area than the present geographical limits. Further, our enquiries, so far as they went, indicated that in the schools in the various centres children are being taught Hebrew and given an intimate historical and geographical knowledge of Palestine. Naturally, also, the continual presence in the centres of representatives of such bodies as the Central Committee of Liberated Jews (recognized in the American zone of occupation, but not in the British), the Jewish Agency, the American Joint Distribution Committee and other Jewish voluntary organizations gives every opportunity for general indoctrination of the idea of settlement in Palestine if such were de-

sired. Inquiry into this aspect would, however, need an investigation of a different nature if it were required to establish or to disprove the existence of organized propaganda.

Although the morale in the centres is high in the sense of this virtually unanimous and in many ways fanatical urge for settlement in Palestine, most opinions which we heard agreed that the psychological state in general has deteriorated over the last year. Although, superficially, some of the centres give the appearance of a kind of normality, even including certain well-developed contacts with life outside, signs of strain and emotional instability are not far below the surface. With respect to certain centres in southern Germany fears were expressed to us that if the present situation persists the coming winter could bring disorders and even violence.

Having in mind this possibility and the growing volume of frustration and mental suffering represented by life in the assembly centres, we feel an obligation, even though it is outside our terms of reference, to suggest that the Special Committee consider whether it is appropriate for it to take some step, apart from any question of Palestine immigration, which might help to alleviate the prospects for the one hundred and seventy thousand Jews now in the assembly centres in Germany and Austria as well as for the sixty thousand Jewish refugees living in Italy and in the German and Austrian communities. As the situation presents itself now some 2,500 immigration certificates for Palestine have been distributed among the Jews in the assembly centres in the British zone of occupation since February 1947, while none are at present being issued to the Jews in the other zones of occupation. Quite a number, however, are leaving these centres all the same and cross the German and Austrian borders illegally, hoping by some means to reach Palestine. Unless, therefore, some new and special effort is made in addition to the work which the Preparatory Commission for the International Refugee Organization is carrying on to the best of its ability with the limited resources at its disposal at the present time, we feel, having regard to the numbers involved, that the situation in the assembly centres can only go from bad to worse, and may reach a breaking point in the not distant future.

The situation might be different if there were some counteracting force working against the motives which impelled those whom we saw to declare so emphatically their determination to go to Palestine. For example, a main reason given for this wish to go to Palestine was that Palestine was a Jewish country, "our country". Others added that they feared a future growth in anti-Semitism in Europe and even in countries outside Europe; others again, as they had lost everything in Europe, were convinced that at least life in Palestine could present nothing worse. When questioned on how they expected to get on with the Arabs in Palestine, the persons seen replied that the Yishuv was quite able to look after itself, and that in any case they felt sure that the future relationship with the

¹ In an informal statement made before the Sub-Committee in Munich, Rabbi Bernstein, who was the official adviser to the Military Governor, U. S. Zone in Germany, on Jewish affairs, said that the following formula in his opinion expressed the situation: If Palestine were opened to immigration now, 90 per cent of the Jewish displaced persons would want to go there. If simultaneously the United States and Palestine were opened, 75 per cent would want to go to Palestine, while 25 per cent would choose the United States. If Palestine were closed to immigration and the United States were opened, 50 per cent would go to the United States, and 50 per cent would wait or expose themselves to any risk or hardship in order to get to Palestine.

Arabs could be made to work smoothly once the Jews and the Arabs were left to themselves. It is obvious that convictions of this kind, which are the common stock of talk among the inmates of every centre and of which even the children in the schools are fully acquainted, carry, in the absence of any countervailing influence, a progressive effect leading to an ever-increasing emotional tension. For these reasons, it has seemed to us our responsibility at least to convey to the Special Committee our own feeling of the urgency of the existing situation.

We also feel it essential to make special mention of the situation which we found in Vienna. We learned there that during the last six to eight weeks a steady influx of Jews from eastern Europe, mainly from Bessarabia and Roumania, had been in progress at the rate of about 1,000 weekly. These people declare that they have left their places of abode for fear of a revival of active anti-Semitism, and with the single-minded intention of going on to Palestine. The actual reasons are probably a combination of this fear and of recent economic conditions in the regions concerned, on account of which the Jews are apparently the first to suffer. None that we saw could specify firsthand experience of actual ill treatment, but all were clearly inspired by fear that this would come in future. At any rate, the result has been a form of mass psychosis which has spread and is presumably still spreading with extreme rapidity among all the remaining Jews in eastern Europe.

The Sub-Committee saw for itself, and was astounded by, the conditions of squalor, misery and over-crowding under which Jewish refugees, now numbering upwards of 10,000, have perforce had to be accommodated in Vienna. Since 21 April, the United States authorities in Austria have refused to accept any responsibility for the onward movement of these refugees into the American zones of Austria or Germany. They have therefore found Vienna a complete cul-de-sac, and we discovered very little prospect of any way out of the deadlock in this respect. Since April, the refugees, who arrived for the most part without any personal belongings, have been fed by voluntary agencies, principally the American Joint Distribution Committee, but we understand that as from 18 August the responsibility for this will be taken over by the Austrian Government. In accepting such a burden the Austrian Government has doubtless acted for humanitarian reasons, but it is hardly necessary to point out that a country in so impoverished a condition as is Austria at the present time cannot fairly be expected to take on single-handed for an indefinite period a responsibility which is properly and urgently an international one. All the reasons which compel us to call attention to the immediacy of the Jewish displaced persons problem in the western zones of occupation of Germany and Austria apply in an even more emphatic degree to the refugees in Vienna. In their case, there is the additional fact, again not within our terms of reference but one which we could not possibly ignore, that they are existing

under conditions which should be inconceivable except in times of war or great emergency.

A file containing the completed questionnaires as well as summary records of statements made by various representatives of occupation authorities, the Preparatory Commission for the International Refugee Organization and of assembly centre leaders, is available in the Secretariat for the use of the Committee.

APPENDIX I

DUPPEL CENTER-IRO CENSUS

Country	No. registered	For work	Rejoin relatives	Per cent of population
Australia	9	5	4	0.3
Brazil	18	13	0	0.3
Canada	310	124	186	9.0
France	78	0	78	2.0
Paraguay	14	4	10	0.3
South Africa	7	4	3	0.2
Sweden	108	49	59	3.0
U. S. A.	800	0	800	9.0
Total:	889	199	640	24.1

APPENDIX II

COPY OF VERBAL ANSWERS TO QUESTIONNAIRE

Nationality: Polish, 39 years old, bookkeeper, married, 1 child (6 months).

Question: How did you become a refugee or displaced person?

Answer: I was in the ghetto in Warsaw from 1941 until July 1944; then sent to Dachau where I was liberated and sent to the assembly centre in Landsberg.

Question: Would you like to return to Poland?

Answer: No. My father, brothers and sisters were all killed there; also anti-Semitism is increasing and pogroms will become more frequent.

Question: Would you like to emigrate to another country?

Answer: Yes, but only to my own country, Palestine.

Question: Why?

Answer: When I was in the concentration camp, I understood that my only future would be in my own country, Palestine, and that was why I wanted to survive—otherwise my life has no sense. I would rather die if I cannot go to Palestine.

Question: Did you apply for immigration into Palestine before the war?

Answer: No.

Question: Did you consider Palestine as your own country before the war?

Answer: I always believed that I would live where I could live well and in freedom but in the last few years I realized that that will not be possible in any other country except Palestine.

ANNEX 19

Text of the Balfour Declaration

Foreign Office

2 November 1917

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with the Jewish Zionist aspirations which have been submitted to, and approved by, the Cabinet:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

(Signed) Arthur James BALFOUR

ANNEX 20

Text of the Mandate for Palestine

(Document A/292)

[Original text: English-French]

NOTE BY THE SECRETARY-GENERAL

The Secretary-General submits herewith to the General Assembly, for its information, the text of the Mandate for Palestine, confirmed by the Council of the League of Nations on 24 July 1922, and the Memorandum by the British Government relating to its application to Transjordan, approved by that Council on 16 September 1922 (League of Nations document No. C.P.M. 466 — C.529.M.314.1922.VI. — C.667.M.396.1922.VI.).

MANDATE FOR PALESTINE

The Council of the League of Nations:

Whereas the Principal Allied Powers have 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 selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by

the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned Article 22 (paragraph 8) it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

Article 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8

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, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

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 Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory

and other foreign Powers shall apply to Palestine.

Article 11

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Pal-

estine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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

Article 16

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

Article 17

The Administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine

against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and Customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special Customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity. No antiquity may leave the country

without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7)

Authorization to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23

The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provisions for the administration of the territories as he

may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

ARTICLE 25 OF THE PALESTINE MANDATE

MEMORANDUM BY THE BRITISH REPRESENTATIVE

Approved by the Council on September 16th, 1922¹

1. Article 25 of the Mandate for Palestine provides as follows:

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provisions for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

2. In pursuance of the provisions of this article, His Majesty's Government invite the Council to pass the following resolution:

¹ See Minutes of the twenty-first session of the Council, Official Journal, November 1922, page 1188.

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Transjordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk: thence up the centre of that river to the Syrian frontier.

"*Preamble*. Recitals 2 and 3.

"*Article 2*.

"The words 'placing the country under such political administration and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the Preamble, and . . .'

"*Article 4*.

"*Article 6*.

"*Article 7*.

"The sentence 'there shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine'.

"*Article 11*.

"The second sentence of the first paragraph and the second paragraph.

"*Article 13*.

"*Article 14*.

"*Article 22*.

"*Article 23*.

"In the application of the Mandate to Transjordan, the action which, in Palestine, is taken by the Administration of the latter country will be taken by the Administration of Transjordan under the general supervision of the Mandatory."

3. His Majesty's Government accept full responsibility as Mandatory for Transjordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the Mandate shall be in no way inconsistent with those provisions of the Mandate which are not by this resolution declared inapplicable.

ANNEX 21

Article 22 of the Covenant of the League of Nations

(Document A/297)

[Original text: English]

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle

that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interest of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

APPENDIX

I. STATEMENT OF MR. J. D. L. HOOD, REPRESENTATIVE OF AUSTRALIA, ON HIS ATTITUDE TOWARDS PROPOSALS IN CHAPTERS VI AND VII OF THE REPORT

The attitude of the representative of AUSTRALIA in abstaining from voting on the respective plans contained in Chapters VI and VII of the report² was explained by him at the forty-sixth meeting of the Special Committee in the following terms:

"My attitude in respect of the proposals before us is dictated by the view I have held throughout as to the proper functions and proper responsibilities of this Committee.

"In accordance with the terms of reference, and in accordance with the undoubted implicit intentions of the special Assembly which created this Committee, I hold the view that the primary obligation of the Committee in respect of the General Assembly is that of a recording, a reporting and a fact-finding function. That is the primary obligation.

"Secondarily, it is true that the obligation is also laid upon the Committee to submit such proposals as it may deem appropriate for the solution of the Palestine problem. Equally, that is an obligation which the Committee cannot, and of course, does not wish to escape.

"Now, Mr. Chairman, had we come to something like unanimity on a particular solution, we would have been fully entitled in the report to the General Assembly to give emphasis to that fact; and the Assembly would quite properly have accorded due weight to that fact. None the less, it is not, or would not of itself be a determining factor. Even so, even in those circumstances, I would maintain that it would still be our obligation to present to the Assembly other proposals, other possible courses, other possible solutions with as full an exposition of the reasons

¹This appendix to the report of the United Nations Special Committee on Palestine should be read in conjunction with Chapter VIII of the report in volume I, page 68. It was reproduced originally on pages 68 to 187 of document A/364/Add.1 of 9 September 1947. The original text of the document is English.

²See volume I. The plans for partition with economic union, and for a federal State were presented in Chapters VI and VII respectively.

for all these things as we thought necessary. In the present situation, those considerations apply even more strongly. It is becoming clear that there is to be no substantial—certainly no decisive majority in favour of any particular course. Therefore, it seems to me inescapable that our report should present to the General Assembly the whole perspective, the whole range of the arguments which have been devoted over the last few weeks to this question. The Assembly is entitled, and indeed will in any case insist, on receiving the full result of our studies, the full result of our work in such a form as will enable it, with the least difficulty, to review the question as a whole and, finally, to make its own determination.

"My attitude, therefore, is that both these main proposals now in the form of documents and the other possibilities which have been considered and have been on the whole dismissed, should be presented to the Assembly in a form which, of course, cannot carry the endorsement of the

Committee, and yet will be coherent and easily understood. To this end, Mr. Atyeo and I have assisted to the best of our ability in the preparation of these two schemes. I assisted in the case of the partition scheme, and Mr. Atyeo assisted in the case of the federal scheme in its early stages. We did that with the object of helping to put forward the best possible presentation, the most logical and the most clear case for each proposal.

"In these circumstances, I see no necessity on my part to indicate now a preference for one case or the other. The arguments for both are here, and the arguments for both are strong. The final determination between the two is, and can only be, in the hands of the Assembly. The Assembly alone is the competent body to decide what is feasible and what is not feasible in the light of all the factors, including political factors, many of which are clearly beyond the scope of our own observations as a Committee."

II. RESERVATIONS OF MR. J. GARCÍA GRANADOS, REPRESENTATIVE OF GUATEMALA, TO RECOMMENDATION XII

I cannot subscribe, for the following reasons, to the recommendation which reads: "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":¹

1. It is not a recommendation, but an *ex parte* statement for which no proof is adduced. It should not be placed in this part of the report at all. Moreover, the basic idea is already ex-

pressed in Chapter II, paragraph 147, in the course of the discussion of the Jewish case.

2. "The Jewish problem in general" is not defined. The statement is, therefore, a conclusion deduced from vague and uncertain premises.

3. According to comment (a), which follows the recommendation, the majority voting for this recommendation seemed to understand by "the Jewish problem" the desperate plight of the displaced Jews in Europe and the sense of insecurity haunting the minds of the Jews who live in several eastern countries owing to the

¹See volume I. chapter V, recommendation XII.

increasing rise of anti-Semitism. This situation cannot be described as "the Jewish problem in general," since in many countries of the world, including the United States of America, the Latin American Republics, the Soviet Union, France, Italy, Czechoslovakia, Yugoslavia, etc., the Jews are members of their respective communities enjoying the protection of the law and subject to the same treatment as their fellow citizens. It is very doubtful whether, at least for the time being, a large number of these Jews would be willing to leave the countries where they were born and have their homes and interests. Therefore, they do not now constitute a problem.

4. If all the Jews now living in assembly centres in Germany, Austria and Italy and those living in Hungary, Roumania and Bulgaria, North Africa and the Arab countries wanted to go to Palestine, the number of prospective immi-

grants would not exceed the figure of 1,500,000 or even possibly 1,000,000. According to any reasonable estimate, the proposed Jewish State will be able to absorb at least 1,500,000 immigrants, within a reasonable lapse of time.

5. The Committee has not investigated the factors of time and transportation and has not sufficient data on the absorptive capacity mentioned in comment (b).

6. Comment (c) would apply equally to any kind of solution, a partitioned Jewish State included.

7. Comment (d) is nothing more than an estimate of the Committee in regard to the actual absorptive capacity of the proposed Jewish State during the next two years. It does not pretend to be a forecast of future conditions and is irrelevant to the general intention of recommendation XII.

III. SPECIAL NOTE BY SIR ABDUR RAHMAN, REPRESENTATIVE OF INDIA

The failure of the members of the United Nations Special Committee on Palestine, or any large group of them, to reach agreed conclusions for a solution of the problem of Palestine has been most unfortunate. The representatives of Iran, Yugoslavia and I have, however, been able to achieve agreement; and our common conclusions are embodied in a joint report¹ signed by us. There are several questions connected with the problem to which I attach special importance. Since their examination has led me to the conclusions at which I have arrived I would, in addition to what has been stated in the joint report, like to refer to the various factors which have influenced me in formulating my recommendations.

(I) INDEPENDENCE OF PALESTINE

Independence is the natural birthright of every people of the world. This principle was given specific recognition before the First World War had come to an end. In his address of 4 July 1918, President Wilson laid down the following as one of the four great "ends for which the associated people of the world were fighting":

"The settlement of every question, whether of territory, of sovereignty, of economic arrangement or of political relations upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

If the right of self-determination of peoples, as envisaged by President Wilson (and on which the first four paragraphs of Article 22 of the Covenant of the League of Nations were based) is to be the determining factor and if imperialistic designs are to be countenanced no longer, there is no escape from the conclusion

that independence should be granted to Palestine forthwith, subject to such interim arrangements for the transfer of power as may seem to be desirable.

The people of Palestine have now admittedly reached a stage of development where their recognition as an independent nation can no longer be delayed. They are in no way less advanced than the people of the other free and independent Asiatic countries. It was admitted by Mr. Bevin, British Foreign Secretary, on 25 February 1947, that the cultural development of Arabs and Jews in Palestine was of as high a standard as in any other Arab State; and when we find that the other Arab States of the Middle East which had been placed under mandates have already acquired self-government, there appears to be no reason why this should any longer be withheld from the people of Palestine.

The provisions of the Mandate for Palestine are themselves based on Article 22 of the Covenant of the League of Nations. Indeed, the principle that independence for the population of Palestine should be the purpose of any plan, though not specifically included in the terms of reference of this Committee, found general acceptance at the special session of the General Assembly which brought the Committee into being. This was obviously so, since one of the purposes of the United Nations was, according to Article 1 of the Charter, "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" and the obligations of the United Nations under the present Charter were to prevail "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement".

Moreover, the denial of independence to Palestine and the continuation of the present

¹ See volume I, chapter VII.

state of affairs constitute a serious menace to the peace of the Middle East and have been the chief causes of violence in the country. The strained relations between the Arab world and the mandatory, as well as some of the other big Powers, can also be traced to these same causes. The present state of affairs has already involved the country in large sums expended on security measures, to the detriment of the more positive and constructive of the normal governmental activities, and despite the fact that huge sums of money are being spent by the mandatory Power on the maintenance of an army disproportionately large in relation to the size of the country.

Apart from the fundamental principle to which I have referred above, the unequivocal promises made to the Arabs from time to time make it incumbent upon us to give effect to them, particularly since the Arabs carried out their part of the bargain and are fully entitled to have the promises redeemed. But before I refer to the actual promises made to the people of Palestine, I might recall that Turkey decided to join Germany in the First World War in 1914 and the Sultan of Turkey, who happened to be the Caliph of the whole Moslem world, decided to declare a jihad. Consequently, the British Empire, composed as it was of the largest Moslem population in the world (India alone having ninety million Moslems at the time), found itself in a very difficult position, for according to the Islamic faith every Moslem, whether a soldier or not, was bound to participate in the war and carry out the command issued by the Caliph. It was vital, therefore, for the British Empire to counteract that command. It could find no better person at the moment in the whole Islamic world than the Sharif of Mecca who, besides being one of the descendants of the Prophet himself, was the custodian of the Caaba. That is why attempts were made to prevail upon him to declare against the jihad, for, if the British succeeded in that attempt, the Moslem world would be divided in opinion, at least. But before Turkey had actually been drawn into the war and when its participation seemed imminent, Lord Kitchener opened negotiations with the Sharif. And after Turkey entered the war, Lord Kitchener sent a message on 31 October 1914, which contained a definite promise to the effect that if the Sharif and his followers were to side with England against Turkey, the British Government would not only guarantee his retention of the dignity of Grand Sharif, with all the rights and privileges pertaining to it, and defend it against all external aggression, but would also promise support to the Arabs in general in their endeavours to secure freedom, on condition that they would ally themselves with England.

Although Syria (which included Lebanon, Transjordan, and Palestine at the time) was technically a part of the Ottoman Empire, the Syrian population (including that of Palestine, which is the southern part of natural and historical Syria) had enjoyed the right of parliamentary representation with the incidental

rights of legislation and government. The Arabs of Palestine had thus the right to elect and be elected as representatives to the Ottoman Parliament, and many of them held high offices of state during that period. These rights, however, had not been considered sufficient, and several secret societies had come into existence to get rid of Ottoman sovereignty and to achieve independence. This independence movement had started toward the middle of the last century. Taking advantage of the situation, the Syrian Arabs under King Hussein's leadership agreed to join the British Empire in her war with Turkey, primarily with the object of liberating themselves from the Turkish yoke.

It is against this background that the correspondence between the Sharif of Mecca and Sir Henry MacMahon has to be read. I do not propose to discuss at the present moment the interpretation placed upon these letters, but I should like only to draw attention to what was said about them in Command Paper 5974 by the committee composed of Lord Maugham, Lord High Chancellor of England, of other British representatives of His Majesty's Government and of Arabs. It may however be pointed out that, without coming to any final decision in regard to the Arab contention that Palestine was included in the letters addressed by Sir Henry MacMahon, it was conceded by the United Kingdom representatives (a) "that the Arabs' contentions . . . 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 . . . Furthermore, the United Kingdom representatives have informed the Arab representatives that they agree that Palestine was included in the area claimed by the Sharif 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."

It might be added, however, that the British representatives maintained that, in the opinion of the committee, from various statements referred to in Command Paper 5974, paragraph 19 (the Sykes-Picot agreement, Balfour Declaration, "Hogarth message," "Declaration to the Seven," certain assurances given by General Sir Edmund Allenby, and the Anglo-French Declaration of 7 November 1918), it was evident "that His Majesty's Government were not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which—upon any interpretation of the correspondence—His Majesty's

Government have incurred towards those inhabitants as a result of the correspondence."

There can be no manner of doubt that King Hussein and the Arabs regarded these statements as containing an unqualified promise of independence to all Arab countries, including Palestine, as soon as Turkey was defeated. This conclusion can be fully substantiated not only by the terms of the letters as they had been conveyed to King Hussein, but also by declarations made on behalf of the British Government on several occasions. One can easily visualize what would have happened if the Arabs had been told at the time that Palestine was not to receive independence along with other Arab countries.

1. A communication was sent by the Acting British Agent at Jeddah, Mr. J. B. Bassett, on behalf of the British Government, to the King of Hejaz on 8 February 1918. To appreciate this letter, it might be mentioned that King Hussein had heard through Turkish sources that the British Government had entered into a pact with Russia and France in regard to the division of Arab territories (Sykes-Picot agreement). His suspicions, aroused in view of what had been considered by him to have been agreed, were quelled by the following words, where again the assurances of the liberation of the Arab peoples were reiterated:

"It would be superfluous to point out that the object aimed at by Turkey is to sow doubt and suspicion between the Allied Powers and those Arabs who, under Your Majesty's leadership and guidance, are striving nobly to recover their ancient freedom. The Turkish policy is to create dissension by luring the Arabs into believing that the Allied Powers have designs on the Arab countries, and by representing to the Allies that the Arabs might be made to renounce their aspirations. But such intrigues cannot succeed in sowing dissension among those whose minds are directed by a common purpose to a common end.

"His Majesty's Government and their Allies stand steadfastly by every cause aiming at the liberation of the oppressed nations, and they are determined to stand by the Arab peoples in their struggle for the establishment of an Arab world in which law shall replace Ottoman injustice, and in which unity shall prevail over the rivalries artificially provoked by the policy of Turkish officials. His Majesty's Government re-affirm their former pledge in regard to the liberation of the Arab peoples. His Majesty's Government have hitherto made it their policy to ensure that liberation, and it remains the policy they are determined unflinchingly to pursue by protecting such Arabs as are already liberated from all dangers and perils, and by assisting those who are still under the yoke of the tyrants to obtain their freedom."

2. This was followed by the British Government "Declaration to the Seven" (Arabs) on 16 June 1918 (Command 5964). It reads:

"His Majesty's Government have considered the memorial of the seven with the greatest care. His Majesty's Government fully appreciate

the reasons why the memorialists desire to retain their anonymity, and the fact that the memorial is anonymous has not in any way detracted from the importance which His Majesty's Government attribute to the document. The areas mentioned in the memorandum fall into four categories:

1. Areas in Arabia which were free and independent before the outbreak of war;
2. Areas emancipated from Turkish control by the action of the Arabs themselves during the present war;
3. Areas formerly under Ottoman dominion, occupied by the Allied forces during the present war;
4. Areas still under Turkish control.

"In regard to the first two categories, His Majesty's Government recognize the complete and sovereign independence of the Arabs inhabiting those areas and support them in their struggle for freedom.

"In regard to the areas occupied by the Allied forces, His Majesty's Government draw the attention of the memorialists to the texts of the proclamations issued respectively by the General Officers Commanding-in-Chief on the taking of Bagdad and Jerusalem. These proclamations embody the policy of His Majesty's Government towards the inhabitants of those regions. It is the wish and desire of His Majesty's Government that the future government of those regions should be based upon the principle of the consent of the governed, and this policy has and will continue to have the support of His Majesty's Government.

"In regard to the areas mentioned in the fourth category, it is the wish and desire of His Majesty's Government that the oppressed peoples of those areas should obtain their freedom and independence, and towards the achievement of this object His Majesty's Government continue to labour.

"His Majesty's Government are fully aware of, and take into consideration, the difficulties and dangers which beset those who work for the regeneration of the populations of the areas specified.

"In spite, however, of those obstacles His Majesty's Government trust and believe that they can and will be overcome, and wish to give all support to those who desire to overcome them. They are prepared to consider any scheme of co-operation which is compatible with existing military operations and consistent with the political principles of His Majesty's Government and the Allies."

3. This was again followed (17 October 1918) by the general assurance given by General Sir Edmund Allenby, on the occasion of the evacuation of Beirut by the Sharifian forces, regarding occupied enemy territory:

"I gave the Amir Faisal an official assurance that, whatever measures might be taken during the period of military administration, they were purely provisional and could not be allowed to prejudice the final settlement by the peace con-

ference, at which no doubt the Arabs would have a representative. I added that the instructions to the military governors would preclude their mixing in political affairs, and that I should remove them if I found any of them contravening these orders. I reminded the Amir Faisal that the Allies were in honour bound to endeavour to reach a settlement in accordance with the wishes of the peoples concerned, and urged him to place his trust whole-heartedly in their good faith."

4. The Anglo-French Declaration was issued in Palestine, Syria, Iraq in the form of an official *communiqué* emanating from General Headquarters, Egyptian Expeditionary Forces, on 7 November 1918:

"The goal envisaged by France and Great Britain in prosecuting in the East the war set in train by German ambition is the complete and final liberation of the peoples who have for so long been oppressed by the Turks, and the setting up of national governments and administrations that shall derive their authority from the free exercise of the initiative and choice of the indigenous populations.

"In pursuit of those intentions, France and Great Britain agree to further and assist in the setting up of indigenous governments and administrations in Syria and Mesopotamia, which have already been liberated by the Allies, as well as in those territories which they have been endeavouring to liberate, and to recognize them as soon as they are actually set up.

"Far from wishing to impose this or that system upon the populations of those regions, their [i.e., France's and Great Britain's] only concern is to offer such support and efficacious help as will ensure the smooth working of the governments and administrations which those populations will have elected of their own free will to have; to secure impartial and equal justice for all; to facilitate the economic development of the country by promoting and encouraging local initiative; to foster the spread of education; and to put an end to the dissensions which Turkish policy has for so long exploited. Such is the task which the two Allied Powers wish to undertake in the liberated territories."

5. The Treaty of Sèvres of 10 August 1920, by which the High Contracting Parties had agreed to recognize Syria and Mesopotamia as dependent States in accordance with Article 22 of the Covenant of the League of Nations, subject to the rendering of administrative advice by a mandatory until they were able to stand alone, was not confirmed. But article 16 of the Treaty of Lausanne, which was signed on 24 July 1923, reads as follows:

"Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognized by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.

"The provisions of the present article do not

prejudice any special arrangements arising from neighbourly relations which have been or may be concluded between Turkey and any littoral countries."

(Note: "By the parties concerned" in the first paragraph is a translation of the French *parties intéressées*.)

It has been suggested that, inasmuch as international persons, members of the Family of Nations, i.e., sovereign States "are the subjects of international law according to the general principles, and that individuals (including populations without sovereign governments) are only objects of international law, the expression "parties concerned" should normally mean "only other sovereign States" and that if it had been intended to mean populations, it would have been so specified, inasmuch as such a stipulation would have constituted an innovation in international law. It has also been suggested that, in consequence of President Wilson's disappearance from the political scene, it would be incorrect to presume that this idea, which was discarded in 1919 when France, Great Britain, Italy and Japan "had prevented the sending of an international commission to Syria, Palestine and Iraq", was again revived when the Treaty of Lausanne was being signed and a new procedure—the settlement of the future of the territories in negotiation with the parties concerned, which the High Contracting Parties had no intention of putting into practice—was being introduced.

There appears to be no warrant for the proposition that the ideas contained in President Wilson's speech, to which reference has already been made, had been discarded in 1923 when one considers that the League of Nations had come into being in conformity with the ideas and ideals expressed and propounded by him, and was functioning when the Treaty of Lausanne was signed. Reference to various clauses in the Treaty shows that, whenever it was necessary to refer to the States, the words "the States concerned" (article 7), "the various States interested" (article 8), "the High Contracting Parties" or "the Contracting Powers" or "the Signatory Powers" (when it was intended to refer to the States which were parties to the Treaty of Lausanne, e.g., articles 23, 24, 25, 35, and 44) were employed. And since Iraq had not become independent, the frontier between Turkey and Iraq had to be laid down by means of a friendly arrangement by a mandatory commission whose expenses were, according to article 6, to be borne in equal shares "by the parties concerned". The words "the parties concerned" in this clause refer to Iraq—which, although a dismembered portion of the Turkish Empire, was not recognized to be a sovereign independent State until 1930—and Great Britain, which had acquired certain rights of control by the Treaty of October 1922, was declared to be acting on her behalf for the purpose of fixing the frontier alone. But the expenses were to be borne, not by the British Government as a mandatory Power, but by the parties concerned, i.e., Turkey on one side and

a dismembered portion of its empire on the other.

It should not be overlooked that Article 22 of the League of Nations Covenant contained specific provisions in regard to the Arab countries (of which Iraq was one) and had expressly stipulated that the wishes of the populations concerned were to be a principal consideration in the selection of the mandatory. The Covenant had thus recognized populations of the Arab countries to be a definite entity for certain purposes. Article 5 extended the same principle, and made the populations liable for the expenses incurred in the demarcation of frontiers in which they, and not the British Government, were interested. The words "the parties concerned" or *les parties intéressées* in article 5 and *par les intéressés* in article 16 were apparently inspired by or adopted from Article 22 of the Covenant of the League of Nations or from President Wilson's speech quoted at the beginning of this note (page 24).

Thus, no new procedure was being invented. The contention that the High Contracting Parties had not chosen to issue a commission to consult the wishes of the peoples does not carry us anywhere. The High Contracting Parties are always in a position to ignore the terms of a contract when it does not suit them, for there is no sanction other than a declaration of war in the event of their breach.

Had the intention been to refer to the High Contracting Parties or to sovereign, independent States which had already been recognized as such, the same expression used in other clauses of the Treaty would have been used in article 16. The difference in language obviously indicates, and in any case includes, persons other than those referred to in the words "the States concerned" or "interested" or "the High Contracting Parties" or "Powers" or "Signatory Powers".

It must be remembered that, unlike article 15, where all rights and title on certain islands were being renounced in favour of Italy, there was a deliberate and significant omission in the succeeding article, 16, where the renunciation was not being made in favour of Great Britain, France or any other State which was a party to the Treaty of Lausanne.

For the above reasons, independence should be granted to Palestine forthwith. The interim arrangements suggested toward the end of this note should not stand in the way of the independence of Palestine.

(II) THE MANDATE AND BALFOUR DECLARATION IN THEIR HISTORICAL SETTING

It is now necessary to consider the contention advanced on behalf of the Arab States to the effect that the Mandate, being in conflict with the terms and spirit of Article 22 of the Covenant of the League of Nations, was invalid and should not have been granted by the League of Nations or enforced by the mandatory. In order to examine this contention, it would be desirable to

consider the Balfour Declaration and the Mandate, however briefly, in their historical setting.

The Mandate for Palestine was assigned to the United Kingdom by the Supreme Council of the Allied Powers at San Remo in April 1920. Its terms were approved by the Council of the League of Nations on 24 July 1922, although it could not be formally given effect until after the Treaty of Lausanne was brought into force towards the end of September 1923.

The real questions to decide are the following:

(a) Whether the Balfour Declaration, made on behalf of the United Kingdom in November 1917—before Palestine had ceased to be a part of the Ottoman Empire—should have been made, for it cannot reasonably be disputed that the creation of the Mandate was procured by the United Kingdom in view of what was regarded to be an undertaking given by the United Kingdom to the Jews;

(b) Whether the Mandate was, as a matter of fact, in conflict or inconsistent with the Covenant of the League of Nations;

(c) In case there is found to be a conflict or inconsistency between the two, which of them is to prevail;

(d) Whether or not the Mandate is in conflict or inconsistent with the Covenant, what is the legal effect of the former on the action taken by the mandatory Power in regard to the administration of Palestine in general and as regards Jewish immigration into that country in particular?

The First World War started in August 1914, and Turkey was drawn into it shortly afterwards. There was a powerful Zionist element in existence at the time in Germany and Austria, which was actually in negotiation with the Central Powers for the granting of certain rights in Palestine, and thus was provided with an interest in an Entente victory. The United Kingdom must naturally have been anxious to win over this element, and the Zionist group, led by at least two influential persons—Baron Rothschild, a well-known figure in British political circles, and Dr. Weizmann, a highly distinguished scientist who was at the time working in the Ministry of War—lost no time in pressing the Zionist demand for Palestine. But Mr. Asquith, the Prime Minister of England at the time, was not at all sympathetic towards the suggestion and wrote in his diary on 28 January 1915:

"I have just received from Herbert Samuel a memorandum headed 'The Future of Palestine'. He goes on to argue at considerable length and with some vehemence in favour of the British annexation of Palestine, a country the size of Wales, much of it barren mountains and part of it waterless. He thinks we might plant in this not very promising territory about three or four million European Jews, and that this would have a good effect upon those who are left behind. It reads almost like a new edition of *Tancred* brought up to date. I confess I am not attracted by this proposed addition to our responsibilities. But it is a curious illustration of Dizzy's favour-

ite maxim that 'race is everything' to find this almost lyrical outburst proceeding from the well-ordered and methodical brain of Herbert Samuel."

An entry in Mr. Asquith's diary dated 13 March 1915 reads as follows:

" . . . I have already referred to Herbert Samuel's dithyrambic memorandum, urging that in the carving of the Turks' Asiatic dominion we should take Palestine, into which the scattered Jews would in time swarm back from all quarters of the globe, and in due course obtain home rule. Curiously enough, the only other partisan of this proposal is Lloyd George who, I need not say, does not care a damn for the Jews or their past or their future, but thinks it will be an outrage to let the Holy Places pass into the possession or under the protectorate of 'agnostic, atheistic France'."

There was also a volume of Jewish opinion in Britain itself which was opposed to this demand—not on account of British interests, not on account of their personal interests (as Dr. Weizmann seemed to suggest in his evidence before the Committee), but in the interest of the Jews themselves. Jews of this opinion were opposed to the idea of political Zionism and its nationalistic implications, and were afraid of being treated as strangers in their own countries. That is why a statement appeared in *The Times* of 24 May 1917 over the signatures of Messrs. David Alexander, president of the Board of Deputies of British Jews, and Claude G. Montefiore, president of the Anglo-Jewish Association. In this statement, although they stressed their fidelity to cultural Zionism, the aim of which was to make Palestine a spiritual centre where Jewish genius might develop along its own line, they entered a strong protest against the idea of political Zionism, which claimed that the Jewish settlements in Palestine should be recognized as possessing a national character in a political sense, and that the settlers should be invested with certain special rights on a basis of political privileges and economic preferences. The signers of this statement prophesied that the establishment of a Jewish nationality in Palestine would be bound to "have the effect throughout the world of stamping the Jews as strangers in their native lands, and of undermining their hard-won position as citizens and nationals of these lands." This notion was fully supported by Mr. Edwin Montagu, the then Secretary of State for India.

At the same time, it was essential for Great Britain to mitigate the "hostility of Jews in Allied countries" towards Russia, and to give those Jews who had been so active in overthrowing the Czarist regime an incentive to keep Russia in the war. There was also an imperialistic motive, that of securing Palestine or a portion of it as a bulwark to the British position in Egypt and to protect the overland link to the East, including India. Sir Martin Conway, Member of Parliament and well-known British politician, wrote a book about Palestine and Morocco in 1922; in it he stated that the control

of Egypt alone was not sufficient for protecting the Suez Canal:

"The real danger to the Canal does not in fact come from the West, but from the East . . . It must ever be from the side of Palestine that serious danger will come. Behind Palestine is Syria, behind Syria are the Turks and behind the Turks is any European Power that may be hostile to Great Britain—Germany in the past, Russia perhaps in the future, who can say? The French have proved more of rivals than friends . . . and therefore Great Britain's hold on Palestine is of imperial interest of the highest order."

These considerations, and the fact that the war had assumed a dangerous phase in 1917 and nobody could say for a certainty what the final result would be, must have led the British Government to change its policy. Mr. Asquith had gone and had been succeeded by Mr. Lloyd George who was, on account of the British policy, not willing to let France have sway over Palestine which was, because of the empire in the East, so important strategically. A defeat to the United Kingdom, moreover, would have meant its extinction and the supremacy of autocracies over democracies.

These were briefly, in my view, the reasons which had led to the Balfour Declaration. But its language was the subject of discussion for a long time between the Jews and the British Government. In England "many different versions of the suggested formula were drafted by various members of the Zionist Political Committee" (official Zionist report) on both sides of the Atlantic. This was admitted by Dr. Weizmann in his evidence. He was not in a position, however, to produce the draft or drafts. But when his attention was drawn to those printed by Jeffries in his book, *Palestine—The Reality*, Dr. Weizmann admitted that the words "a National Home for the Jewish people in Palestine" had been substituted for the expression, used in the earlier drafts, of Palestine being a National Home for the Jewish people. Speaking in Wales in 1930, Mr. Lloyd George himself assured his hearers that the Declaration "was prepared after much consideration not merely of its policy but of its actual wording".

The amendment was significant, as the whole of Palestine was not recognized in the Declaration for the use of the National Home. Moreover, it would be seen from the words that no promise was being made to the Jews of the creation of a State or of attempting to make an Arab majority into a minority by any process of immigration or otherwise. Indeed, the Declaration clearly provided that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine". This was a very important reservation and it was apparently made on account of promises which had already been made to the Arabs, and to which I shall advert shortly.

But I must say that any suggestion by which the Arabs could be converted into a minority, or even much less by which they were to lose a part of their country, was not even contemplated. Their civil rights had been expressly saved. In

fact, the suggestion made by Dr. Weizmann in his interview with *The Times* on 1 March 1918, that "By the establishment of a Jewish National Home we mean the creation of such conditions in Palestine as will enable us to move large numbers of Jews into the land . . . so that the country may become as quickly as possible as Jewish as England is English" elicited a clear statement from Mr. Winston Churchill. In his statement of British policy in Palestine of 3 June 1922, Mr. Churchill declared that "Phrases have been used such as that Palestine is to become 'as Jewish as England is English'. His Majesty's Government regard any such expectations as impracticable and have no such aim in view." Moreover, the Declaration was at the outside the statement of a policy which the Government of the United Kingdom had agreed to pursue in the event it was victorious and was legally in a position to advance that policy. The United Kingdom did come out victorious, but whether it was legally or even morally bound to advance the policy is a different matter. This would largely depend upon the position of the United Kingdom at the time and on the commitments, if any, already entered into by it before the date of this Declaration.

The reasons which had led the Government of the United Kingdom to enter into an alliance with the Arabs have been given by me elsewhere, and need not be repeated. Suffice it to say that on a declaration of jihad by the Porte after Turkey had joined Germany, it was vital for the British Government to counteract that effort in such manner as to avoid a Moslem uprising in its Empire.

That is why Sir John Maxwell, who was then commanding the British forces in Egypt, advised Lord Kitchener on 16 October 1914 in the following words: "I do not know what the policy of the Foreign Office is, but I think the Arabs about Mecca and the Yemen ought to be approached and set against the Turks."

Since King Hussein's son, Amir Abdullah (now King of Transjordan), had already written to Mr. Ronald Storrs on the subject, on 14 July 1915, Lord Kitchener telegraphed a reply to the British Agency in Cairo on 31 October to be despatched to Amir Abdullah. The terms of that letter were general, but it held out a promise of support to the Arabs for freedom, on condition that they ally themselves with England. In the meantime, Sharif Hussein's first note was written to Sir Henry MacMahon on the same date on which his son Amir Abdullah wrote to Mr. Storrs, and in this letter it was clearly stated that the Arab nation had decided to approach the Government of Great Britain with a request for the approval, through one of its representatives, if it thought fit, of the following basic provisions:

"Great Britain recognizes the independence of the Arab countries which are bounded: on the north, by the line Mersin-Adana to parallel 37° N. and thence along the line Birejik-Urfa-Mardin-Midiyat-Jazirat (ibn 'Umar)-Amadia to the Persian frontier; on the east, by the Persian frontier down to the Persian Gulf; on the south,

by the Indian Ocean (with the exclusion of Aden whose status will remain as at present); on the west, by the Red Sea and the Mediterranean Sea back to Mersin."

Sir Henry MacMahon's reply on 30 August 1915 was evasive, and the Sharif wrote a longer note on 9 September 1915. In this it was clearly pointed out that the demand in regard to the proposed frontiers and boundaries was fundamental, and that they represented "not the suggestions of one individual . . . but the demands of our people who believe that those frontiers form the minimum necessary to the establishment of the new order for which they are striving". The reply to this note was sent by Sir Henry MacMahon on 24 October 1915, and since he had been informed of the actual Arab situation through other Arab sources, he was more explicit in that letter. He agreed that, with the exception of the districts of Mersina and Alexandretta and portions of Syria lying to the west of Damascus, Homs, Hama and Aleppo, "Great Britain is prepared to recognize and uphold the independence of the Arabs in all the regions lying within the frontiers proposed by the Sharif of Mecca."

Thus, it is clear that Great Britain had expressed her readiness to assist the Arabs unequivocally in the setting up of suitable administrative arrangements in the areas of Arab independence. The Sharif, in his reply of 5 November 1915, consented to the exclusion of the Vilayet of Adana from the area of Arab independence, but refused to accept the exclusion of portions of Syria lying to the west of Damascus, Homs, Hama and Aleppo. Nor did he admit the exclusion of Alexandretta. Sir Henry MacMahon, in his reply of 13 December, expressed his satisfaction at the exclusion of the Vilayet of Adana, but maintained his reservation of the coastal regions of northern Syria, not on the plea advanced by him before that they were not purely Arab, but solely on the ground that French interests were involved. The Sharif, in his reply dated 1 January 1916, although anxious to avoid any conflict between France and Great Britain, gave clearly to understand that France or any other Power could not secure "a single square foot of territory in those parts", and that he would seize the earliest opportunity after the war to indicate the Arab claims to the whole of Syria. In his reply of 30 January 1916, Sir Henry merely indicated that, in the event that France maintained its claims, Great Britain could not hold out any guarantees that the portions which had been excepted from the Arab areas in the letter of 24 October would be included in the territories in which Great Britain had pledged itself to recognize and uphold Arab independence.

It is clear from these letters that Palestine was not specifically excluded from the areas in which Arab independence had been asked for and in which it was agreed that Arab independence would be granted. Moreover, any map would show that Palestine lies to the south and not to the west of the districts of Damascus, Homs, Hama and Aleppo, which were specifically re-

ferred to in the correspondence to which reference has already been made. The vilayets of the province of Syria were those of Aleppo, Beirut and Syria. Deir-ez-Zor, Lebanon and Jerusalem were centrally administered sanjaqs or counties outside the vilayets. Lebanon had a special autonomous regime. There was no Vilayet of Damascus; it did not exist. That is why "District" had been used in MacMahon's text, "the Vilayet of Damascus" referred to by Mr. Churchill as Colonial Secretary was obviously incorrect. It must also be remembered that if MacMahon had Palestine in mind, he would have certainly added "and the Sanjaq of Jerusalem" to the vilayets of Aleppo and Beirut.

There is thus no doubt in my mind that, from what was stated in the letters, the only possible conclusion can be that it was promised that independence would be granted to the present Palestine along with the other Arab countries. This promise can be supported by the other documents such as Bassett's letter, "Hogarth's message," the "Declaration to the Seven," and the Anglo-French Declaration to which reference has already been made.

It is not really easy to see how, in view of these promises, the Balfour Declaration can be said to have been properly or justly made. It had no legal or moral validity; not legal, because the British Government had no power to make it at the time when it was made, or even subsequently, because it did not acquire any sovereignty over Palestine; not moral, because it was in contravention of the promises already made to the Arabs, who had given all the assistance required of them in pursuance of such promises and which was admitted by General Allenby to have been "invaluable". One is relieved to find, however, that the promises already made to the Arabs had not been entirely overlooked. The Declaration contained a provision—almost in the nature of a proviso—in the words, "it being clearly understood that nothing shall be done" (in the Government's endeavours to facilitate the establishment of a National Home) "which may prejudice the civil or religious rights of existing non-Jewish communities in Palestine".

This was not all. King Hussein was naturally very disturbed when he heard the news of this Declaration. He therefore asked for an elucidation of its meaning, and was assured by the British Government in June 1918, through what has come to be known as "Hogarth's message," that "Jewish settlement in Palestine would only be allowed in so far as would be consistent with the political and economic freedom of the Arab population." Read along with what was stated by the Government of the United Kingdom within three months of the issue of the Declaration, there is no room for doubt that the protection of civil rights (including political and economic freedom) of the non-Jewish population was declared to be of far greater importance, and the Jewish settlement and the establishment of a National Home were to be permitted only to the extent that they were consistent with Arab rights in Palestine.

After the First World War, the Allied Powers vested themselves with authority to draw up a code of principles known as the Covenant, which should govern the action to be taken in respect of the future administration of enemy territories, including Palestine. It was with the adoption of this code or Covenant that the League of Nations came finally into existence. The principles governing mandates, including that of Palestine, are to be found in Article 22, paragraph 4 of which deals with the territories belonging to the Turkish Empire to the following effect:

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

It may also be emphasized that the principle of the well-being and development of such peoples as had ceased to be under the sovereignty of States which formerly governed them formed a sacred trust of civilization.

The Arab States contend that the Balfour Declaration was inconsistent with the provisions of the Covenant (a) because the Arabs of Palestine, whose wishes had to be of primary consideration in the selection of a mandatory, were not consulted and the choice of the mandatory was made at the San Remo Conference by the High Contracting Parties without any reference to the wishes of the communities concerned. The Arab States also contend (b) that the object of the sacred trust committed to the mandatory was to ensure the well-being and development of indigenous populations, whereas in the Mandate issued at the San Remo Conference, the claim of the Jews to reconstitute their national home in an Arab land was formally recognized. There can be, in my view, no doubt that the provisions of the Mandate issued at San Remo were in conflict with the fundamental principles of self-determination and the terms of Article 22 of the Covenant.

But, even if the Arabs of Palestine are taken to have been duly represented by King Hussein, the Covenant of the League of Nations—to which the Hejaz as an original Member of the League of Nations, was a party, and which was therefore signed on behalf of King Hussein—was not, due probably to pressure by the Arabs in Palestine, ratified by him. The King of Hejaz did not attend the San Remo Conference despite an invitation to do so; as a result, the Covenant never assumed a binding force so far as the Hejaz was concerned. That is why he was not invited to the Lausanne Conference. If the Covenant was not therefore binding on Hejaz and on the Arabs, it is not open to them, in my view, to base any argument upon it. And the other nations which had duly ratified the Covenant agreed to alter its terms, if not expressly, by necessary implication. That it was possible for the contracting parties to deviate from the terms

of the original contract is not open to doubt. And if the terms of the Mandate cannot be reconciled with those of the Covenant, the latter must in my judgment give way to the former, which was not only later in point of time but appeared to have been accepted on account of British persuasion in view of the promises which they had made to the Jews.

The real difficulty, which was not realized by the Government of the United Kingdom at the time but which it came to appreciate later, lay in the fact that the terms of the Declaration were inconsistent in themselves. If the establishment in Palestine of a Jewish National Home were to be taken to imply a provision for permitting the Jews to convert themselves into a State, it would come into conflict with the other part of the Balfour Declaration which contained a clear undertaking that "nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine". But even if the Declaration is not to be regarded as containing any such promise—and I am clearly of the view that it cannot be so regarded—it was bound to violate the provision as to the civil rights of non-Jewish communities, for the establishment of a National Home against their will in a part of Palestine could not but be an invasion of those rights. The fact of the matter is that, in the absence of any information as to the growth of Arab nationalism and as to the depth of Arab feelings, the creation of certain rights in a so-called "notch" of the country was agreed upon before the Allies had won the war and before the British Government could be held to have had any right to make such a Declaration. But the war had somehow to be won, and it was immaterial at the time to pause to consider the legitimacy of the means adopted to achieve that end. That is why, apparently, the rights of the people which had occupied that country and the promises of independence made to them were disregarded. But if a more charitable view of the situation may be taken, in view of what Lord Curzon is reported to have said relative to the procedure adopted in the Cabinet meeting, it is possible to conceive that Lord Balfour either knew nothing about the promises which had already been made to the Arabs or had altogether forgotten them under the pressure of the war when it was at a critical juncture, and agreed on behalf of the Government to view the establishment of a Jewish National Home in Palestine with favour. This is supported by the following speech made by Mr. Lloyd George in the Commons in June 1937:

"It was one of the darkest periods of the war when Mr. Balfour prepared his Declaration. Let me recall the circumstances to the House. At the time the French Army had mutinied, the Italian Army was on the eve of collapse, and America had hardly started preparing in earnest. There was nothing left but Britain confronting the most powerful military combination the world has ever seen. It was important for us to seek every legitimate help we could get. We came to the conclusion, from information

we received from every part of the world, that it was vital we should have the sympathies of the Jewish community. I can assure the Committee that we did not come to that conclusion from any predilections or prejudices. Certainly, we had no prejudices against the Arabs, because at the moment we had hundreds and thousands of troops fighting for Arab emancipation from the Turk. In these circumstances and on the advice which we received, we decided that it was desirable to secure the sympathy and co-operation of that most remarkable community, the Jews throughout the world . . ."

At all events, the words "National Home" could not have been intended to convey a Jewish State. Political rights in Palestine were not being conceded to the Jews or to the Zionists, who represented that section of Jewry which intended to colonize Palestine. Lord Balfour, in his speech of 28 March 1922 before the House of Lords, made it clear that the Zionist Organization had no attribute of political power. At that time he said:

"It is surely a very poor compliment to the British Government, to the Governor of Palestine appointed by the British Government, to the Mandates Commission under the League of Nations, whose business it is to see that the spirit as well as the letter of the Mandates is carried out, and beyond them to the Council of the League of Nations, to suppose that all these bodies will so violate every pledge that they have ever given, and every principle to which they have ever subscribed, as to use the power given them by the Peace Treaty to enable one section of the community of Palestine to oppress and dominate any other . . . I cannot imagine any political interests exercised under greater safeguards than the political interests of the Arab population of Palestine. Every act of government will be jealously watched. The Zionist Organization has no attribution of political powers. If it uses or usurps political powers, it is an act of usurpation. Whatever else may happen in Palestine, of this I am very confident, that under British government no form of tyranny, racial or religious, will be permitted."

It may be said that this speech referred to the Zionist Organization and not to the Jews or any other Jewish agency. But this criticism would be incorrect, for there were only two groups of thought at the time—those who wanted to have a national home in Palestine and those who did not. The Zionist Organization held one view, and there was no other society or organization which was asking for any power in Palestine besides the Zionists. That is why Lord Balfour referred to the Zionist Organization.

Nor had the Zionists themselves ever suggested the establishment of a Jewish State in Palestine until recently. This is borne out by a letter written by Dr. Theodore Herzl, the father of the Zionist movement, to M. Youssuf Zia Al-Khalidi in 1899, a copy of which is attached hereto.¹ Although the former did not succeed in persuading the Sultan of Turkey to

¹ Attachment 1, on pages 39, 40.

grant him permission to colonize Palestine with Jews, for which permission he was prepared to pay a large sum of money, it is abundantly clear that the idea of having any political rights in Palestine had not then occurred, or that, in any case, it was nowhere suggested. Even Dr. Weizmann, in an interview in *The Times* on 1 March 1918, had said:

"We do not aspire to found a Zionist State. What we want is a country in which all nations and all creeds shall have equal rights and equal tolerance."

This was put to him when he appeared before the Special Committee, and although he did not remember if he had made that statement, he stated that a public man's speeches might not be quoted to him after twenty-five years when a great many changes had taken place in the meantime. But in trying to interpret the Balfour Declaration, the statements made by those who were either parties or privy to its making, either at the time when it was made or shortly thereafter, and long before any desire to form a Jewish State was expressed, are not only relevant but, in my opinion, important.

Mr. Leonard Stein, a Zionist of repute, considered the idea of the return of Jews to Palestine to be more in the nature of a spiritual return. He wrote to the following effect:

"The Palestine of which they dream had for most of them long ceased to be the Palestine of concrete reality. Of its geographical position or of its physical form they knew little or nothing. They were not bound to it by ties of personal affection, nor haunted by memories of its sights and sounds. It was not indeed a mere abstraction. The return of the exiles assuredly would be a return in the most literal sense. But it would not come as the result of human effort. It would come in God's good time with the appearance of the Messiah."

Bearing the later achievements of the Zionists in mind, it is possible to argue that they had intended to claim political power and rights in Palestine from the beginning and that in order to avoid a refusal and opposition by the Arabs or even by the British Government, at the time, it was not considered discreet to ask for those rights expressly. This might or might not have been so; but the formula evolved in the modest words "National Home" was, although *ex facie* innocent, ambiguous and capable of being pressed into service (as is now being done) to secure political rights. But to an ordinary reader, it merely conveyed a "home" in the cultural sense and in no other, and the Jews would have been content with it if the subsequent developments had not been as encouraging as they turned out to be.

From what I have said, it would seem to follow that the words "National Home" in the Balfour Declaration were not intended to convey a Jewish State. Indeed, Mr. Norman Bentwich, a Jewish international lawyer of repute, defined "Jewish National Home" in or about 1926 in his book, *The Mandates System*, as a "territory in which a people without receiving rights of

political sovereignty has nevertheless a recognized legal position and the hope of developing its moral, social and intellectual ideas". Had the idea of a possible Jewish State promised to them by the Balfour Declaration come to be known to the Jews, Mr. Bentwich could not have defined the "National Home" in that manner.

There is nothing in the Balfour Declaration, moreover, which would indicate what the Zionist aspirations were with which His Britannic Majesty's Government was declaring itself in sympathy. Nor is there anything therein to suggest that the Government of the United Kingdom had agreed to lend its hand in the establishment of a National Home. The words, "will use their best endeavours to facilitate the achievement of this object" were in keeping with the rest of the Declaration in their vagueness.

No difficulty would have been created if the matter had rested there. But in furtherance of the promise made by the Government of the United Kingdom, the Mandate for Palestine was assigned to it, apparently at its own suggestion, by the Supreme Council of the Allied Powers at San Remo in 1920; and the assignment was subsequently approved by the Council of the League of Nations in 1922. It is surprising to find, however, that the principle of self-determination contained in the Covenant of the League of Nations was absolutely disregarded, and the Mandate was approved without consulting the Arabs and in spite of their protests. It is true that President Wilson had, probably in view of the resolutions passed at the General Syrian Congress in Damascus (which combined demands for the recognition of the independence of Syria, including Palestine, as a sovereign State with repudiation of the Balfour Declaration), appointed a commission (known as the King-Crane Commission) on the mandates for former Turkish territory. But this Commission's report, which is of considerable importance in so far as it had analysed the Zionist movement quite carefully and arrived at the conclusion that the consummation of the Zionist desire for a complete dispossession of the non-Jewish inhabitants of Palestine (mark the absence of a declaration that they wanted to turn it into a Jewish State) would be, even if achieved, "a gross violation of the rights of the principle just quoted" (contained in President Wilson's address of 4 July 1918) "and of the people's rights". The King-Crane Commission recommended "that only a greatly reduced Zionist programme be attempted by the Peace Conference and even that only very gradually initiated. This would have to mean that Jewish immigration should be definitely limited and that the project for making Palestine distinctly a Jewish commonwealth should be given up." This report warned that the anti-Zionist feeling in Palestine and Syria "is intense and not lightly to be flouted." It was also reported that "from the point of view of the desires of the 'people concerned' the Mandate should clearly go to America". The following passage from the report is, in view of what has happened, deserving of special notice:

"The people repeatedly showed honest fear that in British hands the mandatory Power would become simply a colonizing Power of the old kind; that Great Britain would find it difficult to give up the colonial theory, especially in case of a people thought inferior; that she would favour a civil service and pension budget too expensive for a poor people; that the interests of Syria¹ would be subordinated to the supposed needs of the Empire; that there would be, after all, too much exploitation of the country for Britain's benefit, that she would never be ready to withdraw and give the country real independence; that she did not really believe in universal education, and would not provide adequately for it; and that she already had more territory in her possession—in spite of her fine colonial record—than was good either for herself or for the world."

No attention was paid to the King-Crane Commission's report, and the Mandate for Palestine was assigned to Great Britain.

The principal obligations of the mandatory Power as defined in article 2 of the Mandate were:

- (a) The creation of conditions which would secure the establishment of the Jewish National Home;
- (b) The creation of conditions which would secure the development of self-governing institutions;
- (c) The safeguarding of the civil and religious rights of all the inhabitants.

Article 2 of the Mandate, however, refers to the preamble which contains the statement that the Balfour Declaration had recognized "the historical connection of the Jewish people with Palestine" and "the grounds for reconstituting their national home in that country". Actually, there is nothing in the Balfour Declaration to that effect.

It has been suggested by the Jewish Agency that the primary purpose of the Mandate was the establishment of a national home for the Jews, and that the protection of the rights and well-being of the non-Jewish population was of only secondary importance and could be kept in view only to the extent that it was compatible with the Mandate's primary purpose. This is incorrect. Article 2 of the Mandate mentions Article 22 of the Covenant of the League of Nations and refers specifically to the terms contained in the Balfour Declaration. I have already tried to show that the "civil and religious rights of the existing non-Jewish population" were, although referred to later in the Declaration, not meant to be subordinated to the intention of establishing in Palestine a national home for the Jews. In fact, according to my reading, the reference towards the end of the Declaration, to the rights of the non-Jewish population, was meant for emphasis, with the object of imposing a condition on the establishment of a national home. Article 2 of the Mandate brings this out fairly clearly and leaves no room for doubt when

it is read with article 6 of the same instrument, Article 6 imposes an obligation on the Administration of Palestine in the words, "while ensuring that the rights and position of other sections of the population are not prejudiced" it "shall facilitate Jewish immigration under suitable conditions".

The Mandate, as already stated, was brought into force on 29 September 1923, although the mandatory Power had in fact assumed the civil administration under the High Commissioner from 1 July 1920, i.e., shortly after the Mandate for Palestine was assigned to the United Kingdom by the Supreme Council of the Allied Powers at San Remo. With the assumption of administration, the representative of the mandatory Power had, in furtherance of the promise contained in the Balfour Declaration, allowed Jews from all parts of the world—mostly those brought up in the Western culture and mode of living—to immigrate into Palestine, a country in the Middle East which had an Asiatic culture and was the cradle of the three greatest religions of the world.

No attention appears to have been paid by the Government of the United Kingdom, by the nations which were signatories to the Mandate, or by the representatives of the mandatory Power in Palestine to what this conglomeration of different cultures and ideals would lead to. The result of this omission can be seen by any person who visits not only Tel Aviv, Mount Carmel in Haifa, and other places, but even Jerusalem (Al-Quds) itself. Whatever may be said in favour of the development of these various towns in Palestine on Western lines, the Western mode of living may not be regarded as an unmixed blessing; it has brought a number of things in its wake which may not be very desirable, and are certainly out of place in a Holy Land. The members of the Anglo-American Committee of Inquiry were so struck by this incongruity in one particular instance that they felt called upon to make a recommendation² in regard to Galilee. It is interesting to find that the recommendation has been carried out by the representatives of the mandatory Power.

The real point, however, is that the Jews from various other parts of the world had nothing in common with the Jews in Palestine except their religion; and the followers of a faith cannot be found to have any political rights in a country simply because they believe or profess to believe in that faith. Most of the Jews brought from the central portions of Europe were Aryans—descendants of people who had accepted Judaism as their faith—and it would be a travesty of facts, however much it may be utilized for the purpose of propaganda for the creation of a Jewish State, to label the dislike for the Zionists as one based on anti-Semitic feelings. The Jews were allowed to live peacefully in the Arab world without being harassed, and it was only when some of them started clamouring for political power and turned themselves into an aggressive

¹ Taken here to include Palestine.

² Recommendation No. 8, on page 10 of the Committee's report, which was published by the U.S. Department of State.

Zionist group for the purpose of converting Palestine or a portion of it into a Jewish State that all the trouble started. It might be mentioned here that there are considerable numbers of Jews in Palestine, in America and elsewhere who do not want a Jewish State. The memorandum of the Hebrew fraction of the Jewish population in the Holy Land, dated 17 July 1947, and the memorandum of the American Council for Judaism may *inter alia* be referred to with advantage in this connexion.

The underlying causes of the disturbances of 1936, as of previous riots, were found by the Royal Commission in its report to be:

- (i) The desire of the Arabs for national independence;
- (ii) Their hatred and fear of the establishment of the Jewish National Home.

The following comments on these two causes were made by the Royal Commission:

"We make the following comments on these two causes:

"(i) They were the same underlying causes as those which brought about the 'disturbances' of 1920, 1921, 1929 and 1933.

"(ii) They were, and always have been, inextricably linked together. The Balfour Declaration and the Mandate under which it was to be implemented involved the denial of national independence at the outset. The subsequent growth of the National Home created a practical obstacle, and the only serious one, to the concession later of national independence. It was believed that its further growth might mean the political as well as economic subjection of the Arabs to the Jews, so that, if ultimately the Mandate should terminate and Palestine become independent, it would not be national independence in the Arab sense but self-government by a Jewish majority."

I agree with the diagnosis and would like to add that, in my view, the unanimous attitude of the Arab States is largely, if not solely, due to similar apprehensions entertained by them; for these States appear to be fully convinced in their minds that the creation of even a small Jewish State in a part of Palestine is, with the Jewish influence, means and urge for a State, merely the thin end of the wedge and would end in disturbing the peace not only of the Middle East but probably of other parts of the world as well. One has only to compare the modest demand of 1917 for a "National Home" with the demands for a State coupled with the continuous terrorist and other military activities of the Haganah, the Irgun and the Stern Gang in support of the apprehensions. I feel that a grave error of judgment was committed, although with the best of intentions, when the Jewish Agency was allowed not merely to collaborate with the Administration of the country, but was permitted to run its own educational, industrial and economic system for a portion of the population, and thus to run a parallel government. In a place like Palestine, with the High Commissioner as the representative of the mandatory Power and in

the absence of any definite plan for the self-government of the country as a whole, the whole of this Administration should have been centralized in him and he should have been asked to control the whole policy.

According to *The Political History of Palestine under British Administration*,¹ presented on the latter's behalf, 99,806 Jewish immigrants were brought into the country between September 1920 and the end of 1929. Referring to this increased immigration, the Anglo-American Committee of Inquiry observed the following:

"The population, which in 1922 stood at 757,000 persons, of whom more than eleven per cent were Jews, increased by 1929 to 960,000, of whom more than sixteen per cent were Jews. This increase in the Jewish percentage appeared highly alarming to the Arab leaders.

"In 1929 Arab dissatisfaction with the Mandate and the modified Jewish National Home of the White Paper showed itself in serious riots. A new statement of policy appeared necessary to the Shaw Commission which investigated the disturbances, and in October 1930, the Passfield White Paper was issued."²

A summary of that White Paper is given in paragraphs 45 to 50 (pages 11-13) of *The Political History of Palestine under British Administration*. The White Paper appeased the Arabs to some extent and the revolt came to an end. But inasmuch as the terms of this paper, on account of Jewish agitation, were materially changed by an authoritative interpretation placed upon it by the then Prime Minister, Mr. Ramsay MacDonald, the Arabs again became dissatisfied and, finding that the Jewish population had risen from over 11 per cent in 1922 to nearly 30 per cent, serious riots, which were regarded as rebellion because of their intensity, eventually broke out again in April 1936. A Royal Commission was accordingly appointed on 7 August 1936, with Earl Peel as its Chairman, to carry out the following tasks:

"To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to inquire into the manner in which the Mandate for Palestine is being implemented in relation to our obligations as mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances on account of the way in which the Mandate has been, or is being implemented; and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence."

The report of this Commission, to which I have already referred in passing for its statement of the underlying causes of the disturbances, was very carefully written. The whole situation was stated, if I may say so with respect, with considerable dexterity and circumspection, and one can find very little in its factual statements with which one can differ. Its conclusions are sum-

¹ See Annex 9, I.

² Excepted from document A/AC.19/3.

marized in paragraphs 85-88 (pages 21-23) of *The Political History of Palestine under British Administration* and need not be recapitulated.

I must say, however, with great deference, that its final recommendation for partition of Palestine, made with the object of removing grievances and preventing their recurrence, could not have been accepted. It did not redress the Arab grievances, and regarded some form of a *via media* to be the best form of a solution. A technical commission (the Woodhead Commission) was appointed by the Government of the United Kingdom to examine the details of a partition scheme, in accordance with the League Council's resolution.

The members of the Woodhead Commission were not agreed amongst themselves, although they were unanimous in rejecting the proposal made by the Royal Commission. One of them was of the view that no practicable scheme of partition could be devised, while the majority recommended "a plan which would have confined the Jewish State to a strip of territory approximately 75 kilometres in length but intersected by an Arab enclave at Jaffa and the corridor connecting the mandated territory of Jerusalem with the sea". The report was considered by the Government of the United Kingdom, which rejected the suggested solution on the ground of impracticability (Command 5893).

An attempt was then made by the British Government to reach an agreement in consultation with the Arabs and the Jews. A conference was accordingly called, but met with no success. Another White Paper was then issued by the British Government on 17 May 1939. (A summary of this Paper is given in paragraphs 102-108, pages 27-29 of *The Political History of Palestine under British Administration*.) It was unequivocally declared by His Britannic Majesty's Government that it was "not part of their Policy that Palestine should become a Jewish State" and that the objective was "the establishment within ten years of an independent Palestine State . . . in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded." The Government was of the view that "to seek to expand the National Home indefinitely by immigration against the strongly expressed will of the Arab people of the country" would not only be contrary to the whole spirit of Article 22 of the League Covenant, but also to its specific obligations to the Arabs in the Palestine Mandate itself. Taking into consideration, therefore, "the extent to which the growth of the Jewish National Home has been facilitated over the last twenty years", the Government came to the decision that it could be further expanded only if the Arabs were prepared to acquiesce in this growth. It was therefore ordered that, after the admission of not more than 75,000 additional immigrants during the five years beginning in April 1939, the immigration would be stopped unless the Arabs of Palestine were prepared to agree to further immigration.

The policy expounded in the White Paper was bitterly criticized by the Jews, but it was

accepted by the British Parliament. It came up for consideration by the Permanent Mandates Commission at its 86th Session in June 1939. The Commission was unanimously of the view that "the policy set out in the White Paper was not in accordance with the interpretation" which it had so far been putting upon the Mandate, along with the mandatory Power; but there was divergence of opinion on the points whether the policy was in harmony with the Mandate and whether it could be justified in the existing circumstances if it were not opposed by the Council of the League of Nations.

The White Paper of 1939 is an extremely important document, not only because it contains a definition of British policy after all that had been happening in Palestine since 1920 but also because it contains the authorized and well-considered interpretation of the Balfour Declaration. The policy set out in the White Paper might not have been in accordance with the interpretation placed upon the Mandate up to that time by the Permanent Mandates Commission or by the mandatory Power. But the latter could not possibly ignore the circumstances under which it had operated or the situation which its operation had produced in the country. The number of Jews in Palestine had increased to about ten times what it had been when the administration was taken over by Great Britain and when the so-called National Home, which could in no case be unlimited in its development, was rightly regarded to have come into being in accordance with the promises contained in the Declaration and the Mandate. This statement might not have been found suitable to the Jews, but the charge that it was in any way opposed to the previous declarations of the British Government is groundless. Moreover, the policy of permitting unlimited immigration was nowhere suggested in the Mandate, which purported to give effect to Article 22 of the League of Nations Covenant and to the provisions of the Balfour Declaration, which contained the clause that nothing should be done which would prejudice the civil and religious rights of existing non-Jewish communities in Palestine. The result was that the Covenant could not be held to have been superseded or modified in this respect by any international instrument.

It might be added that, in pursuance of what was contained in the Mandate, the mandatory Power had, besides permitting a very large amount of immigration, allowed the Jewish enterprise of rapid economic expansion to grow by granting concessions of great value to the Palestine Potash Co., Ltd. in the Dead Sea, and to the Palestine Electric Corporation. The number of Jewish agricultural settlements had, according to page 15 of *The Political History of Palestine under British Administration* risen from 96 in 1927 to 172 in 1936; the volume of citrus exports had gone up from 2,600,000 cases in 1929 to 15,300,000 in 1938-1939.

Considering all that had happened in Palestine, there can be no manner of doubt that the National Home, unless it was taken to mean a Jewish State with a Jewish majority, had come

into being and that the mandatory Power was fully justified in coming to a decision that things should not be allowed to continue or drift as they had been allowed to do.

Following the declaration of the policy in the White Paper of 1939, acts of terrorism began to be committed by the Jews, who also attempted to organize the unauthorized entry of a large number of immigrants. But the Second World War started early in September 1939 and both Jews and Arabs were requested by their respective leaders to render full assistance to the Government of the United Kingdom. The attention of the Jews and Arabs was to some extent directed into other channels, but unauthorized immigration and some terrorist activities by the Jews continued to a limited extent even in this period. With the termination of the war, however, the Jews began to intensify their efforts toward unauthorized immigration, and a series of outrages of varying intensity began to be committed. These still continue in almost unabated vigour. Despite all this, immigration was allowed by the Government of Palestine to continue at the rate of 15,000 a year although the five years referred to in the White Paper of 1939 had long since expired and the quota of 75,000 which it permitted during the five years had been exhausted.

Thanks to Germany's anti-Semitic attitude and its cruel, callous and inhuman massacres of Jewry during the last world war, the Zionists, who by no means formed a majority of the Jews before the war, began to clamour more vociferously for political rights in Palestine. They succeeded in securing a good many supporters from amongst those who were not in the beginning prepared to support their co-religionists in their attempt to form themselves into a political State. This fact, however, led the Arabs, both Christians and Moslems, to unite and to resist this attempt with all the means at their command. Thus, the renaissance movement which had started amongst the Arabs toward the middle of the last century came to be strengthened to a large extent. The pressure exerted by Zionism on the mandatory Power and on the United States of America by well-organized propaganda led the British Government to ask the United Nations to consider the problem presented by Palestine: a small, uneven and rocky country rightly described to be no bigger than Wales, and covered by fairly large areas here and there which are uncultivated, and some of which have been and are perhaps uncultivable, but which are nevertheless equally, if not more, holy to Christians and Moslems as well.

Since the demand in the United States was strong, President Truman suggested to the Prime Minister of Britain that 100,000 immigration certificates should be issued, but since the latter could not adopt the proposal before the future of Palestine had been fully reconsidered in the light of all that had happened, the Governments of both agreed to appoint an Anglo-American Committee of Inquiry. This Committee rejected partition as a solution of the problem created by Palestine, and held that the establishment of

an independent State or States in Palestine would result in civil strife which might threaten the peace of the world. Thus, we find that the land which has sent the messages of peace and good will to the world on a number of occasions is asking for peace itself. But since it could not find a solution, the Anglo-American Committee of Inquiry recommended that Palestine should continue to be administered under the Mandate pending the execution of a trusteeship agreement.

There is no denying the fact, however, that the attitude of the British Government, however justified by the exigency of the situation as it presented itself to that Government in 1914, has led to the present impasse which is largely of its creation. Speaking for myself, I consider the British Government, rather than any other Power, to be primarily responsible for the situation in which the United Nations find themselves now placed. It had not only agreed to facilitate the establishment of a Jewish National Home in Palestine after its promises of independence to the Arabs, which were reiterated in 1918 and later, but in its intense desire to keep control of the Middle East and to keep France out, it secured the Mandate assignment from the Supreme Council of the Allied Powers at San Remo in 1920 and got the assignment approved by the Council of the League of Nations in July 1922. In anticipation of this approval, the British Government had Palestine under its control in 1920, and started its endeavours to facilitate the establishment of the National Home in all earnest almost immediately, so much so that no less than 5,514 Jews were allowed to immigrate between September and December 1920, despite various Arab protests and riots which had started almost immediately. It continued to pursue this policy with great vigour between 1920 and 1925, and succeeded in bringing 89,666 persons into Palestine between 1920 and 1926. As the number of immigrants was increasing every year, the Arabs' fears of losing their country were increasing and Arab protests and riots were proportionately growing in intensity. These were being curbed relentlessly but could not be suppressed until 1939, when the White Paper was finally issued and, in fact, when the Second World War began in September of that year.

During this period, hundreds of Arabs were killed, thousands were put into prison, and a number of houses were destroyed. There was a reign of terror, and the Jews, who now naturally resent the use of security measures, were themselves eager for the legislation which is now being used against them. During such a disturbed state of affairs, it was impossible for the Arabs to develop their land and take part in the peaceful pursuits which go to develop a nation. In the meantime, however, the Jews who were siding with the Government lost no time in trying to consolidate their position. With the help of large sums of money which they were getting from the Jewry of the world, particularly those of America, industries were being developed and lands were being acquired from

the Arabs. Many of the latter, not being rich, were, as a result of the constant friction between themselves and the Government, reduced to penury. I can only visualize what, in such circumstances, their plight must have been. It is therefore not surprising to find that the Jews succeeded in securing large plots of land at the moderate prices prevailing at the time. At the same time, it might be mentioned that the only bank which was advancing money to agriculturists (the Ottoman Agriculturist Bank) was liquidated in 1922. Being engaged in what they regarded as a fight for independence, the Arabs' condition must have been, financially speaking, pitiable. These two decades of unrest were bound to affect seriously their advancement and development in almost every walk of life. That they were able to survive against two formidable opponents speaks volumes for their energy and determination.

The Administration of the mandatory Power does not seem to have done much during the last twenty-seven years in the way of uplifting the indigenous people of the country, a task which, as an agent of the mandatory Power, it was obliged to do. To say nothing of secondary and higher education, even elementary education was ignored; and despite the fact that nearly three decades have elapsed, the number of schools in the country is not large enough and admittedly thousands of Arab boys desirous of receiving education are disappointed every year. There are no vocational institutions, and those who wish to receive vocational education must either go to the American University in Beirut or to foreign countries for this purpose. Nothing appears to have been done during this time to train persons for social service. While millions of pounds have been and are being spent on security measures and on the armed police, which is a more or less permanent fixture of the country, sufficient attention has not been paid to opening hospitals and health centres. One of the most serious defects of Ottoman administration, the system of land tenancy, has not been sufficiently altered to develop initiative in the fellahs. No serious attempts seem to have been made to introduce measures which would have led to self-government. The two half-hearted attempts made at considerable intervals were not enough. These were really due to the conflict with the Arabs during the first years of the Administration, and with the Jews during the last eight years. The fact remains, however, that the mandatory Power cannot be held to have succeeded in preparing the people for self-government, and the purpose for which the Mandate was granted under Article 22 of the Covenant must be found not to have been achieved.

Moreover, the international machinery in the form of the Permanent Mandates Commission, which had been created for the purpose of scrutinizing the actions of the mandatory Powers, and to which they were bound to submit annual reports, has, along with the League of Nations, ceased to exist. There are no means by which the international obligations in regard to mandates can be discharged by the United Nations.

The Mandate has in any case become infructuous, and must, in my opinion, go. Whether it could be superseded by any other system within the present Charter is a different matter, and will be dealt with when I consider the solution of the present problem.

But what the mandatory has done in allowing the immigration of hundreds of thousands of persons ever since the Mandate has been in force cannot be undone. Private rights have been created. People have been allowed to come and settle down. They cannot be asked to go. The objection that most of them have not acquired Palestinian citizenship and owe double loyalties at the present moment has considerable force. But those who have been allowed to spend time and labour by a Power discharging what it considered to be its duty under an international instrument cannot be lightly treated, although to impose conditions which would enable these people to acquire Palestinian citizenship within a reasonable time would be just and proper. If they do not take advantage of the time which may be granted to them, and do not make up their minds finally to become Palestinian citizens, they will have to remain in the country as foreigners. But if they do, they will have all the rights which the indigenous population possesses in its own country.

For the above reasons, I am of the opinion that the questions formulated in the beginning should be answered as follows:

- (a) That the Balfour Declaration should not have been made;
- (b) That the Mandate was in conflict with, and inconsistent with, the Covenant of the League of Nations;
- (c) That the Mandate was in the circumstances to prevail in preference to the Covenant when and where it was found to be inconsistent with the latter;
- (d) That the legal effect of the Mandate is that the actions taken by the mandatory Power in discharge of its obligations, or what it regarded to be its obligations, are valid and that the immigrants who have been allowed to come into Palestine cannot be turned out, although under the rules now in force they must be required to acquire Palestinian citizenship within a reasonable time if they wish to have the rights of citizens in that country. But nations had no right to create a Mandate over Palestine without the consent of its inhabitants and to impose their will upon them. Although, strictly speaking, the Mandate cannot be held to have conferred any rights over Palestine *de jure*, it must be found to have acquired a *de facto* validity as it has been enforced. But with the declaration of the mandatory Power that it has found the Mandate to be unworkable, with the abolition of the Permanent Mandates Commission which could scrutinize the mandatory Powers' actions, and with the fact that the promise of the Jewish National Home has been, as conceded by the mandatory Power fulfilled, the Mandate ceases to have further effect. That is why I would recommend its termination.

ATTACHMENT 1

Original text of letter written by Dr. Theodore Herzl to Monsieur Youssuf Zia Al-Khalidi, Constantinople, Pera, Khedivial Hotel

Wien-Wahrung
Carl Ludwigstrasse 50
19 mars 1899

Excellence,

Je dois à la bienveillance de M. Zadok Kahn la plaisir d'avoir lu la lettre que vous lui avez adressée. Laissez-moi vous dire tout d'abord que les sentiments d'amitié que vous exprimez pour le peuple juif m'inspirent la plus vive reconnaissance. Les Juifs étaient, sont et seront les meilleurs amis de la Turquie depuis le jour où le sultan Selim a ouvert son empire aux Juifs persécutés de l'Espagne.

Et cette amitié ne consiste pas seulement en paroles, elle est toute prête à se transformer en actes et à venir en aide aux musulmans.

L'idée sioniste, dont je suis l'humble serviteur, n'a aucune tendance hostile au Gouvernement ottoman; mais bien au contraire, il s'agit dans ce mouvement d'ouvrir de nouvelles ressources à l'Empire ottoman. En faisant immigrer une quantité de Juifs apportant leur intelligence, leur esprit financier et leurs moyens d'entreprise au pays, il ne peut faire de doute pour personne que le bien-être du pays tout entier en serait l'heureuse conséquence. C'est ce qu'il faut comprendre et faire comprendre à tout le monde.

Comme Votre Excellence le dit très bien dans Sa lettre au grand rabbin, les Juifs n'ont aucune Puissance belligérante derrière eux-mêmes. C'est un élément complètement pacifique et très content si on lui laisse la paix. Donc il n'y a absolument rien à craindre de leur immigration.

La question des lieux saints?

Mais personne ne songe à y toucher jamais. Comme je l'ai dit et écrit maintes fois: ces lieux ont perdu à tout jamais la faculté d'appartenir exclusivement à une confession, à une race ou à un peuple. Les lieux saints sont et resteront saints pour tout le monde, pour les musulmans comme pour les chrétiens, comme pour les Juifs. La paix universelle que tous les gens du bien souhaitent ardemment aura son symbole dans une tentente fraternelle sur les lieux saints.

Vous voyez une autre difficulté, Excellence, dans l'existence de la population non juive en Palestine. Mais qui donc songerait à les éloigner? C'est leur bien-être, leur richesse individuelle que nous augmenterions en apportant la nôtre. Croyez-vous qu'un Arabe qui possède en Palestine une terre ou une maison valant trois ou quatre mille francs sera très fâché de voir hausser en peu de temps le prix de son terrain, d'en voir quintupler et décuplier la valeur peut-être en quelques mois? Et pourtant cela arriverait nécessairement avec l'arrivée des Juifs. C'est ce qu'il faudra faire comprendre aux indigènes et qu'ils gagneront d'excellents frères—comme le sultan gagnera de fidèles et bons sujets qui rendront florissante cette province, leur patrie historique.

Quand on regarde les choses sous cet aspect qui est le vrai, on doit être l'ami du sionisme lorsqu'on est l'ami de la Turquie.

J'espère, Excellence, que ces quelques explications auront suffi pour vous donner un peu plus de sympathie pour notre mouvement.

Vous dites à M. Zadok Kahn que les Juifs feraient mieux de se tourner d'un autre côté. Cela pourrait bien arriver le jour où nous nous rendrons compte que la Turquie ne veut pas comprendre les avantages énormes que lui offre notre mouvement. Nous nous sommes expliqués publiquement, sincèrement et loyalement sur notre but. J'ai fait soumettre à S. M. le Sultan des propositions générales, et je me plaît à croire que la haute lucidité de son esprit lui fera accepter en principe l'idée dont on pourra ensuite discuter les détails d'exécution. S'il n'acceptera pas, nous chercherons et, croyez-moi, nous trouverons ailleurs ce qu'il nous faut.

Mais alors la dernière chance qu'aura eue la Turquie de régler ses finances, de recouvrir une vigueur économique sera perdue pour toujours.

C'est un ami sincère des Turcs qui vous dit aujourd'hui ces choses-là. Souvenez-vous-en!

Et recevez, Excellence, l'assurance de ma considération très distinguée.

(Sign'd) Dr. Theodore HERZL

Unofficial translation of Attachment 1

Letter from Dr. Theodore Herzl to
M. Youssuf Zia Al-Khalidi

Wien-Wahrung
Carl Ludwigstrasse 50
19 March 1899

Excellency,

I owe to Mr. Zadok Kahn's kindness the pleasure of having read the letter which you addressed to him. Let me tell you first of all that the feelings of friendship which you express for the Jewish people inspire in me the deepest appreciation. The Jews have been, are, and will be the best friends of Turkey since the day when Sultan Selim opened his Empire to the persecuted Jews of Spain.

And this friendship consists not only of words—it is ready to be transferred into acts and to aid the Moslems.

The Zionist idea, of which I am the humble servant, has no hostile tendency toward the Ottoman Government, but quite to the contrary this movement is concerned with opening up new resources for the Ottoman Empire. In allowing immigration to a number of Jews bringing their intelligence, their financial acumen and their means of enterprise to the country, no one can doubt that the well-being of the entire country would be the happy result. It is necessary to understand this, and make it known to everybody.

As Your Excellency said very well in your letter to the Grand Rabbi, the Jews have no belligerent Power behind them, neither are they themselves of a warlike nature. They are a completely peaceful element, and very content if

they are left in peace. Therefore, there is absolutely nothing to fear from their immigration.

The question of the Holy Places?

But no one thinks of ever touching those. As I have said and written many times. These places have lost forever the faculty of belonging exclusively to one faith, to one race or to one people. The Holy Places are and will remain holy for all the world, for the Moslems as for the Christians as for the Jews. The universal peace which all men of good will ardently hope for will have its symbol in a brotherly union in the Holy Places.

You see another difficulty, Excellency, in the existence of the non-Jewish population in Palestine. But who would think of sending them away? It is their well-being, their individual wealth which we will increase by bringing in our own. Do you think that an Arab who owns land or a house in Palestine worth three or four thousand francs will be very angry to see the price of his land rise in a short time, to see it rise five and ten times in value perhaps in a few months? Moreover, that will necessarily happen with the arrival of the Jews. That is what the indigenous population must realize, that they will gain excellent brothers as the Sultan will gain faithful and good subjects who will make this province flourish—this province which is their historic homeland.

When one looks at the situation in this light, which is the *true* one, one must be the friend of Zionism when one is the friend of Turkey.

I hope, Excellency, that these few explanations will suffice to give you a little more sympathy for our movement.

You tell Mr. Zadok Kahn that the Jews would do better to go somewhere else. That may well happen the day we realize that Turkey does not understand the enormous advantages which our movement offers it. We have explained our aims publicly, sincerely and loyally. I have had submitted to His Majesty the Sultan some general propositions, and I am pleased to believe that the extreme clearness of his mind will make him accept in principle the idea of which one can afterwards discuss the details of execution. If he will not accept it, we will search and, believe me, we will find elsewhere what we need.

But then Turkey will have lost its last chance to regulate its finances and to recover its economic vigour.

It is a sincere friend of the Turks who tells you these things today. Remember that!

And accept, Excellency, the assurance of my very high consideration.

(Signed) Dr. Theodore HERZL

(III) PROPOSAL FOR FORM OF GOVERNMENT

This brings me to the most important question—that of the future form of government which Palestine should have.

Before dealing with this question, however, it appears to me necessary to review briefly the respective contentions advanced by the Jews and the Arabs.

The Jewish claim to have the whole of Palestine as a Jewish State, or to have a Jewish State in a fairly large portion of Palestine, has been based on:

- (a) The historical association of the Jews with Palestine;
- (b) The religious significance which they attach to Palestine;
- (c) The improvements effected by them at considerable cost, and the resulting increase in Palestine's economic prosperity;
- (d) Their "homelessness";
- (e) The promises contained in the Balfour Declaration, subsequently incorporated in the Mandate, and agreed to by a large number of nations;
- (f) Jewish persecution generally throughout the world, and particularly the massacres by Hitler during the Second World War.

The Jews came to be associated with Palestine, or "Eretz Israel", historically when the tribe of Abraham, originating in Ur of the Chaldees in the Euphrates Valley, settled in a portion of Palestine about 1400 B.C. It is true that Abraham's descendants, David and Solomon, had small kingdoms in a part of Palestine. But these came to an end with the latter's death and after a chequered history, during long periods of which all the inhabitants of Palestine (including Jews) remained under subjection to the Assyrians, the Babylonians and the Romans. The Jews were expelled from the land at the beginning of the Christian era. To found their claim on their dispersion from Palestine after a period of approximately 2,000 years, whatever religious sentiment may be attached by them to the land occupied by their Prophets, appears to me to be as groundless as anything can be. A multitude of nations conquered various countries at various times and were eventually defeated and turned out of them. Can their connexion, however long, with the land which they had once conquered provide them with any basis after the lapse of even one century? If this were so, Moslems might claim Spain, which they governed for a much longer period than the Jews had governed part of Palestine. The religious attachment can form no foundation for such a claim, for religious sentiment is one thing and political rights another. Can the Moslems scattered throughout the world who turn their faces to the Caaba five times a day when they say their prayers claim any political rights in Mecca, which is now under the sovereignty of His Majesty King Ibn Saud?

This is not all. We are apt to become confused if we do not analyse the fact that, whatever claim may be advanced to justify the return of Jews to the land from which their ancestors had been dispossessed, this claim cannot be made by those who were subsequently converted to Judaism. Khazars of Eastern Europe, Turco-Finn by race, were converted to Judaism as a nation about 690 A.D. Can their descendants possibly claim any rights simply because the ancestors of their co-religionists had once settled

in Palestine? It is absolutely wrong to suggest that the profession of a faith by a person—and that is all that Mr. Shertok suggested in his statement—clothes him with any political rights in a country. In fact, most of the blue-eyed and blond Jews that I happened to see in Jerusalem appeared to be as much Aryans as any German. Most of the Jews from Central Europe or the Baltic countries have striking resemblance to the Aryans of those countries. Can brown-skinned Jews in Abyssinia and yellow-skinned Jews in China be regarded to be of the same race? It should not be forgotten that there was considerable missionary activity in ancient and medieval times and that it led to mass conversions. An extract from an article in the *Encyclopædia Britannica* by a well-known Jewish scholar who was at one time Professor of Hebrew at Oxford University, Dr. H. M. J. Loewe, refers to the proselytizing effort made by the Jews in converting pagans. He writes:

"The Jew, when confronted with paganism, omnipotent and universal, has engaged in active proselytization . . . and classical authors testify to the vigour of the Jewish missionary enterprise."

In his book, *Race and Civilization*,¹ Frederick Hertz wrote in 1927 that:

"Conversions to the Jewish religion of Greeks, Romans and other nationalities occurred very frequently, especially during the last two centuries B.C.; and in the Middle Ages and modern times, notwithstanding all obstacles, such conversions have happened occasionally, chiefly in the Slav countries, this being evidently the reason why the Polish and Russian Jews frequently have unmistakable Slav facial characteristics."

It is unnecessary to develop the point any further. The contention advanced on behalf of the Jews can have no bearing on Jews whose ancestors were not turned out of Palestine, and has no force, even in the case of those who have descended from such ancestors, inasmuch as after a lapse of centuries they cannot possibly have any claim to political rights in a land which they left some 2,000 years ago.

I have already dealt with the question of religious significance, and it appears to be unnecessary to say very much more. I would, however, like to add that the Prophets of the Jews are regarded as Prophets both by Christians and Moslems. Moslems regard Christ as a Prophet and place him in the same category in which the Jews place their own Prophets. Thus, the land which is holy to the Jews because of Abraham, Moses, Isaac, etc. is equally holy to Christians and Moslems; and the land in which Christ was born and lived is also holy to Moslems, although the Jews do not regard Christ as a Prophet.

The fact that the Jews of the world were permitted to immigrate in and after 1920 and spent considerable sums of money in improving a part of Palestine cannot confer any political rights upon them. If this argument were to be

upheld, it would amount to saying that, by spending any amount of money in the improvement of a house or land, the person who has spent the money gets title to the same—a very dangerous and wholly unsound proposition. But whatever the value of the argument, it cannot possibly have any force when we find that the money was being spent in spite of the Arabs' protests to increase Jewish immigration and to consolidate the Jews' position. These improvements have perhaps indirectly benefited the Arabs, but this does not advance the argument, for it must be remembered that all the efforts appear to have been directed towards improving Palestine with the object of converting it into a Jewish State. The gain of some temporary advantages or benefit to the Arabs cannot be regarded as any compensation for the loss of the country as a whole.

The contention that the Jews need a State because they are homeless and have no other State which they can call their own does not bear close examination. Can they for the same reason ask for New York State, which has well over three million Jews already, or for England? But the United States of America and England are strong enough to resist a demand by force of arms if necessary. Or is it Palestine, where immigration has been carried out to a large extent with the help of the mandatory Power's forces, because it is considered unable to defend itself against the forces which the Jews have organized? I fear that the Jews, who are not and cannot be regarded to be either a nation or a race, have on account of an urge for a State, big or small, resolved to have Palestine or a portion of the same as a Jewish State. The Jews are in the minority even today. But they want to have the help of the United Nations (help which the mandatory Power has refused to give them in accordance with the principle enunciated by it in the White Paper of 1939) to permit them through immigration to become a majority first, and then to ask for the principle of self-determination to be applied to them.

The whole of this effort is as unreasonable as anything can be. If we are called upon to adjudicate on the question of the future government, we have to take the facts as they exist today and decide on the material before us. It is wrong, in my view, to wait for events which may or may not happen in the future and decide our course on the assumption that they have already come to pass. The whole argument advanced by the Jews is based on unrealities, and the fact that they are homeless and desire to have a State cannot possibly be taken into consideration as conferring any right upon them to have it.

I have already dealt with the Balfour Declaration separately. The Mandate, whatever its validity, has succeeded in establishing a National Home.

It is unfortunately true that the Jews were persecuted by Hitler during the Second World War, but whatever sympathy one may have for his victims, the problem of displaced persons is not only a question of entry into Palestine,

¹ Pages 132-133.

as the Jews would have us hold, but a question for the whole world to settle. Fortunately or unfortunately the world is divided into a number of national States; it is their right to regulate immigration within their own boundaries and to determine the composition of their population. If Palestine is to have the same independence enjoyed by the other countries of the world, the same right should be conceded to the future Government of an independent Palestine. Immigration into Palestine would have to be controlled by the Palestinian Government with due regard to the interests and welfare of the existing population. Palestine would have to bear its share of displaced persons in the future; but in deciding that question, the number of immigrants, both legal and illegal, who have already entered the country should be taken into account.

The Arabs' case, on the other hand, is, essentially that they are the descendants of indigenous inhabitants who were in the country even before Abraham settled in it; that even after the Islamic conquest in the seventh century, the conquerors, (who had succeeded in giving their language, their culture and their religion to the people of Palestine) were themselves assimilated into the existing population which, along with its descendants, remained in continuous possession of the country. It is conceded that the Turks conquered the country in the middle of the sixteenth century, but it is contended that despite this conquest the indigenous inhabitants of the country continued to take part in the government, and although nominally the sovereignty rested in the Turkish Empire, they were an integral part of that Empire and took part in its government. Finally, it is urged that at all events the Arabs constituted and still constitute a large majority of the inhabitants of Palestine.

According to the well-known international principle of self-determination, which is now universally recognized and forms a keystone of the Charter of the United Nations, the affairs of a country must be conducted in accordance with the wishes of the majority of its inhabitants. In 1947, it is too late to look at the matter from any other angle. And thus looked at, the claim put forward by the Arabs is unanswerable and must be conceded, although it would be highly undesirable—nay, almost impossible—to overlook important minorities, such as Jews in Palestine happen to be at present.

It is true that the political sovereignty of Palestine under Ottoman rule was vested in the Sultan of Turkey. But it must be remembered that the Arabs were not satisfied with their political status in spite of the rights which they enjoyed under that regime, and the Arab renaissance movement started about the middle of the last century. This was not liked by the Turks, and steps were taken by them to curb the movement. Several secret societies which came into being thirty or forty years later gave great impetus to the movement. The Turkish Empire was gradually disintegrating, and the Committee of Union and Progress, composed

as it was of Young Turks, although successful in forcing Sultan Abdul Hamid to abdicate, found it difficult to control the Arab drive for independence. And when Turkey joined Germany in the First World War, the Arabs lost no opportunity to achieve that object and, through King Hussein, negotiated with the British Government for their freedom.

Turkey was defeated in 1918, and the Arabs felt that their dream of independence would then be realized. But the British Government had, in the meantime, issued the Balfour Declaration. On receipt of this news, while the war was still in progress, Arab suspicion was aroused; and on a question put by King Hussein the Arabs' doubts were allayed, as already mentioned, by the "Hogarth message." In it the Arabs were assured that the establishment of the Jewish National Home would be *subject to the political and economic freedom of the Arabs.*

In any case, they were in the majority and continue to be so, despite the large immigration of Jews into the country during the last twenty-seven years. The Arabs are, as admitted by the Rt. Hon. Mr. Bevin, no less advanced than the people of the other Arab countries, which have already secured their independence. Thus, there is no reason whatsoever why they should not be allowed to manage their own country and form their own government. I might add, even at the risk of repetition, that Article 22, paragraph 4 of the League of Nations Covenant, which was in no way modified by the Mandate, read along with article 16 of the Treaty of Lausanne, under which the country was not renounced by the Turks in favour of the Allies, point to the same conclusion. The conclusion is thus irresistible that self-government must be granted to the people of Palestine as a whole.

I am fully aware of the persistent propaganda which has been carried on by the Jews, particularly during the last few years, with the object of getting a State for themselves. And it may be conceded that for this purpose the Zionist group has tried to produce conditions and create an atmosphere which has close resemblance to a national movement. But it is impossible to forget that the Jews, as a whole, are not a nation but only a community which follows a particular religion. The urge of the Zionists to get a State and, with that in view, to convert themselves into a nation, cannot make them a nation in spite of their riches and intelligence. A Jew in England is even today as English as Anglo-Saxons living there. Similarly, a Jew in the United States is just an American and has American nationality. Moreover, the so-called nationalism is of too recent a growth to be of any value.

The question then to consider is what form this self-government should take. The Jewish Agency demands a Jewish State in the whole of Palestine, while Dr. Weizmann in his evidence before us expressed the view that partition was the most satisfactory solution. Dr. Magnes, on the other hand, asked for a bi-national State but with parity between Arabs and Jews although the latter were not and are not numer-

ically equal, forming about one-third of the whole population.

All three exponents of these different points of view are unanimous, however, in pressing for the free and unrestricted immigration of Jews into Palestine. That is because it is impossible for them to substantiate their claim for independence or for a State even in a part of Palestine. Evidence is not wanting that a fairly large number of Jews in Palestine are being held back by the pressure of the Jewish Agency, but nevertheless thousands of applications have been made by individual Jews to various consulates in Jerusalem for emigration. It was admitted to us by Mr. Sommerfelt of the Preparatory Commission of the International Refugee Organization that considerable propaganda is being carried on by or on behalf of the Jewish Agency in the camps for displaced persons with the object of inducing Jews to immigrate into Palestine, although he found that those staying in these camps as a general rule agree, if they are afforded opportunities, to go to places other than Palestine. The exuberance in the expression of sympathy by the Jewish Agency for those who are in displaced persons camps, and their demonstrations in trying to force illegal immigration into Palestine—of which the *Exodus 1947*, recently brought back to Port le Bouc, is a glaring instance—has a two-fold purpose, although I am not prepared to say that the feelings of sympathy for their co-religionists in trouble are entirely absent. Every human being is bound to have varying degrees of sympathy for his fellow-beings if they are in trouble, and the callous and inhuman treatment by Hitler cannot but invoke sympathy in any other human being. But I feel that these persons' misfortunes are being magnified for a political end, while we hear nothing of a much larger number of persons in these camps who are not Jews.

Looked at in the right perspective, immigration is in my judgment being insisted upon either because the Jews wish to turn the minority in Palestine into a majority or with the object of showing to the world that they were and are capable of doing so. I have my own doubts, however, whether, with the natural increase of the Arabs, they would ever be able to do so. Nor am I sure that, once the future of Palestine is settled one way or another, the Jews will give any great impetus to immigration, for if they acquire a State, they will have to look at this problem in a different manner, for obvious reasons. If they do not acquire one, then real immigration will have no political object in view. It must be remembered that these immigrants are far from being economical; they cost the Jewish Agency large sums of money to transport, maintain and establish them in Palestine. Without the huge contributions from America and elsewhere, the Agency would not have found it possible to continue this effort for any length of time.

The other possible solutions to which my attention was drawn in the meetings of the Special Committee were federation, with varying degrees

of power and control at the centre, and cantonization.

The Arab States, on the other hand, pressed for the creation of a unitary State for Palestine on the basis of the present population of Arabs and of the Jews who have already acquired Palestinian citizenship. Since immigration was regarded by them in the light of an attempt by the minority to transform itself into a majority, with the help of the mandatory Power hitherto and possibly with the help of the United Nations hereafter, the Arab States strictly resisted any further immigration of Jews into Palestine and questioned the right of the British Government or even of the United Nations to impose it against the will of indigenous inhabitants, particularly since its object was to deprive the Arabs of their country either wholly or in part. The position taken by the Arab States was not purely in the interests of the Arabs of Palestine, but in their own interests as well; for the setting up of a Jewish State in their midst would be, according to them, a source of great danger to their own safety. They also apprehended that if immigration were allowed to continue, the Jews would not remain confined to the country of their occupation but would gradually begin to infiltrate into the adjoining States. This would constitute a serious menace to the peace of the Middle East.

The bi-national and cantonal solutions can be easily disposed of. The bi-national solution is opposed to the fundamental concepts of democracy, for Dr. Magnes based it on parity of Arabs and Jews in the organs of government, irrespective of their present proportions in the country's population. It is interesting to observe that in his small book, *Like All the Nations?*, published by him in 1930, Dr. Magnes observed on page 7 the following:

"A former Administrator of Palestine reckoned that, with agriculture remaining the chief industry of Palestine, the land within its present political borders could accommodate roughly 3,000,000 people. Others give higher figures. But as for myself, if I could know that in the course of a long, long period a Jewish community of 1,000,000 souls—one-third of the population—was possible here, I should be well content. There are now 900,000 people in the country, of whom 160,000 are Jews. Let the colonizers and the students of vital statistics tell us how long a period it will take for Arabs to become 2,000,000 and Jews to become 1,000,000. Surely much longer than a full generation. Why not, therefore, let us try to work out a programme for a generation, and let the generation after take care of its own problems? If we could do this, we should perhaps be talking less in abstractions, and even though we differed in our philosophies, all of us ought to be able to work together with a will."

This one-third has become one-half within a span of seventeen years although, despite all their efforts, the Jews have succeeded in bringing up their numbers in Palestine to only one-third. A bi-national solution would also mean the setting up of a complicated system of artificial

devices to attain the parity which does not exist at present and is not feasible.

The cantonal solution implies the dissection of the country into a large number of small uniform groups of Jews and Arabs, with power to govern the various cantons. It would actually result in creating about 200 or more local units, which would not only be cumbersome but might also lead to disorder.

If these two possibilities are ruled out, as they must be in my mind, the choice would lie between partition on the one hand, and a unitary or federal form of government on the other.

As for partition, I find that this solution, although suggested by the Royal Commission, was not accepted by the Woodhead Partition Commission which was appointed by the Government of the United Kingdom on the receipt of the Royal Commission's report. It is true that a majority of the members of the Woodhead Commission made certain proposals, but after a full consideration of all the facts these did not find favour with the Government of the United Kingdom, and were finally rejected as impracticable. The reasons given by Mr. Reed on pages 268-281 of the Woodhead Partition Commission Report, which did ultimately prevail, have considerable weight and I adopt them. For myself, I would like to emphasize the following reasons for the rejection of partition as affording a reasonable solution:

(a) It would not be possible to create two viable States.

(b) It would not be possible to create a Jewish State without a very large Arab minority which would be inter-mixed with Jews.

The best of the various schemes which have been put before the Government of the United Kingdom at different times could not avoid an Arab minority of 350,000 in a Jewish State with 460,000 Jews. Such a large number of disgruntled Arabs would give rise to fresh problems similar to those which we have been called upon to consider, and would render it impossible to govern the country. Moreover, there is no reason why Arabs, who are in a majority in the whole State, should, by adopting this method, be reduced to a minority.

(c) Palestine is far too small a country to be able to bear the burden, financial and otherwise, of two governments particularly when relations between the people of the two governments are bound to be strained from the very beginning.

(d) The Jewish State would be surrounded by hostile Arab States, and there would always be a danger of war.

(e) The commerce of Palestine is already handicapped by artificial frontiers which separate it from the other Arab countries. The division of Palestine into two or more areas would create obstacles which would make impossible the transit of goods and persons.

(f) Since there is no reasonable chance of co-operation between the Arabs and Jews, the Arab boycott would probably be strengthened and the Jewish State would be forced to buy

raw and other materials for its use from, and to take its products for sale to, places at long distances.

(g) If partition were carried through, the main areas where intensive cultivation is possible and the main potential centres of industry would lie within the Jewish State; and the problem of rural population would be difficult to solve.

(h) Relations between the Arabs and the Jews are bound to deteriorate and not to improve by a partition scheme, which would have to be enforced by a special force of the United Nations. From where would the United Nations get such a force?

(i) The Arab State would consist mainly of hilly country, generally unfertile and already thickly populated by poverty-stricken people.

(j) Partition would actually do a great disservice to the Jews as a whole. Jews living elsewhere would lose the strength arising from their present nationalities and would be exposed to the embarrassing position of having a double loyalty, which would create mistrust against them in the country in which they reside. That is why a number of influential Jews like Mr. Montagu have opposed the creation of a Jewish State. For the same reason, there are a large number of Jews even now who oppose the idea.

(k) Palestine is as thickly populated now as Belgium; and if the desert portion in the south, which is mostly uncultivable, is not to be taken into account, the density of the remaining portion of the country would become worse, and be intolerable. If the Arabs' natural rate of increase is also kept in mind, partition would make Palestine an impossible country to live in.

The right of self-determination has been given to the country as a whole; and a scheme of partition would, in my view, be opposed to this principle.

The confederation envisaged by some of the members of the Special Committee is no confederation at all as that term is understood in international law, but a kind of union for economic purposes only. The union proposed has all the disadvantages of a partition, yet has no advantage which a partition could have brought in its wake. It would, for instance, permit all the Jews from the Jewish State to acquire economic rights in the Arab State and thus, in fact, in the whole of Palestine. I cannot see how this union can be imposed by force. If it has to depend for its working on the consent of the two States and of the people residing therein, the only argument advanced against federation disappears. Nor can I see how it is possible to have an Arab State which is at least viable. Foreseeing this difficulty, it has been proposed by the Committee members who favour economic union that a duty should be imposed on the Jewish State to pay a contribution from the customs earned by it to the Arab State. The payment of the amount, if it is to be in proportion to the realization, will have to depend upon the sweet will of the Jews; and the manipulation of the accounts for the purpose of making

these payments is a possibility, if not a probability, which one can refuse to consider. Above all, the money earned by the Jews which would have to be contributed to the Arab State would be hardly in consonance with the self-respect of the Arabs. It is well-known that if the Arabs are touchy on any point, they are so on this one point more than any other.

The choice now lies between a unitary State, such as I have suggested, and a federal State. Both of these are forms of democracy. The Palestine problem has not so far been solved because attempts have been made continually to disregard the democratic principles in order to please or placate the Jews in view of their influence and riches, assisted by both an extensive and intensive propaganda carried on particularly in the United States, which has several million Jews. It is always best to stick to the right path and not to deviate from the principles which have long received international recognition. The hand of the clock cannot be set back, and we would have to enforce those principles as far as possible, deviating from the well-beaten track only if that is found to be essential in the circumstances. It would be entirely wrong, in my opinion, for the people of Palestine to regard that country as being in some way peculiar politically, whatever importance it does possess from a religious or sentimental point of view. But there is no reason why political considerations should be mixed up with religious considerations and why political rights in a State should be confused with religious rights. Life is, I know, made up of compromises but it is not possible to compromise principles. It is impossible to minimize the importance of peace and order, and for the sake of peace and amity I am ready to accept any reasonable solution as long as I find it to be just.

Having regard to the fact that the indigenous population of the country has been in possession of the country, and agreed to throw off the yoke of the Turks during the First World War, thus throwing away whatever rights they had possessed in carrying on the government of the country at that time, I do not think it is possible to ignore the principle of self-determination and to refuse the majority the right of forming the government.

I may not, however, be understood to say that I am willing to sacrifice the rights of the minority, whether religious, linguistic, educational or cultural rights. They must be fully protected by the constitution, which may be declared to be either absolutely unalterable or not capable of being altered unless a majority of three-fourths votes in favour of its alteration. This is, however, a matter of detail and can be settled later. The important point is that once these rights are duly protected by the constitution, there should be no legitimate reason for the Jews to apprehend that they will be ill-treated by the majority. Short of getting a separate State for themselves, with the attendant advantages and disadvantages which such a State confers, the Jews should be reasonably satisfied with the protection which I have suggested when I am

ready to concede that the Jews who have already immigrated into Palestine and settled down there should be permitted to remain if they have already acquired Palestinian citizenship or will acquire it within a period of, say, two years. This is being suggested with the object of avoiding a dual loyalty to two States at one time, and at the same time to create loyalty toward the Palestinian State.

Several portions of Palestine, on account of their associations with the lawgivers of three great monotheistic religions and with their apostles and followers, have a great attraction for many millions of their adherents. There is no other land in the whole world which arouses so much religious sentiment and feeling. A focus of the spiritual interests of Jews, Christians and Moslems (of which the Wailing Wall, the Holy Sepulchre, the Mount of Olives, Haram esh-Sherif and Masjid Aqsa are only a few examples) Palestine will continue to arouse deep attachment as long as these religions continue to exist. But, as remarked by me elsewhere, religious or spiritual connexions with the land are one thing and political sovereignty another. The exercise of political sovereignty over a country has nothing to do, however, with religious rights which a sovereign may possess over the land where religious institutions or other objects of religious interest are located. The Moslems, after their conquest of Palestine in the seventh century, did not desecrate the holy places of worship. Nor have I any reason to suppose that the Palestinian State, or any person or body of persons who exercise sovereign rights in the land, would at any time interfere with the exercise of religious rights and rites in the holy buildings of individuals of the various persuasions. For the above reasons, I am convinced in my mind that there is no reason to separate Jerusalem, Bethlehem, Hebron, Galilee, etc., or to deal with them separately for political purposes. It is better, nevertheless, to guarantee the Holy Places in the constitution, which should provide:

- (a) That the State would preserve the sacred character of all the Holy Places, and keep them in good repair;
- (b) That, except for persons of undesirable character politically or otherwise, all pilgrims from all over the world, would be allowed access to the Holy Places in conformity with existing rights;
- (c) That the State would never interfere with religious liberty and the performance of religious rites in these places.

In giving concrete shape to the conception of a free and independent Palestinian people and a Palestinian State, the leaders of the country must work for a divorce of race and religion from politics and cease to think in terms of religious persuasion when dealing with affairs of state. In so far as politics and administration are concerned, there must in the future be only a Palestinian State and a Palestinian people. To such a land and such a people we must give the independence which any other country in the

world enjoys. The idea of a separate Jewish nation and a separate Arab nation within Palestine should not be countenanced.

In my opinion, immigration for political ends must be stopped, although I have no desire to stop it altogether for any community whether Jewish, Christian or Moslem. It should, however, be permitted only when the applicants wish to settle down in Palestine either on account of religious zeal or for any other domestic reasons which may appear reasonable to a committee to be appointed for the purpose. The committee for this purpose, in my view, should be constituted as follows: One-third of the members should be Arabs, one-third should be Jews, and one-third should be representatives of the United Nations. It is however essential that the number of immigrants of all religions should be substantially limited, in view of the large number of immigrants who entered, legally or illegally, during the last few years. Although the economic absorptive capacity and the natural growth of the residents of the area into which immigration is to be permitted has to be taken into consideration, I am of the opinion that no more than 3,000 persons should be admitted annually into Palestine. This number should be distributed equally among the three communities. With this sole reservation, I am signing my final recommendations.

Although in principle I find a great deal to support the idea of a unitary State, yet I must admit that federation offers a possible solution. It has a number of advantages and is free from the infirmities from which the proposals for partition or the so-called confederation suffer.

But federations have, so far as I know, come into being only when the States which desired to federate translated their desire into action. I do not know how such a solution can be imposed from outside; it depends for its functioning upon the co-operation of the federating States, and the desire to co-operate is lacking in the present case. Such a solution also presupposes the prior existence of two or more States, which do not exist at present in Palestine. If these technical difficulties can however be removed, federation would make it not only possible but also probable for Jews and Arabs to co-operate not only in the federal State but even in the two states comprising the federation. The will to co-operate may be lacking in the beginning; but once the members of the two communities come to realize that they have to work together, I see no difficulty in visualizing that the will to promote their own interests will force them to act in a more conciliatory spirit. And that is all which is needed to make the scheme a success.

If the recommendation of federation meets with the approval of the General Assembly, the best method would appear to be to divide Palestine into two provinces, separating as far as possible predominantly Jewish areas from predominantly Arab areas. When that is done, the functions of government will have to be divided, into (a) local and (b) central functions. The areas or provinces will have to be autonomous

in respect of provincial matters, and should therefore have the authority to raise the necessary taxes to finance the autonomous governments in their administration of the functions entrusted to them. But this authority will be delegated to them by the central Government. All matters concerned with the preservation of the integrity of the State, such functions as the administration of foreign affairs, currency and finance, defence and communications should be vested in the central Government. Similarly, immigration would have to be a central function. I am conscious of the views of some members of the Committee who are inclined to think that immigration should be a provincial responsibility. This would enable the Jews to have as much immigration as they like into the areas over which they have administrative control. But there is a danger of these areas being deliberately over-populated and of the Jews overflowing into the Arab part of the country, which would lead to difficulties similar to those existing at present. Moreover, to the best of my knowledge, immigration is a central function in all other countries. Similarly, the question of land laws would have to be under the control of the central Government. The provincial functions should, in my view, be those of local importance alone, and such as are connected with the cultural and social welfare of the people, e.g., health, education, and agriculture.

(IV) PROPOSAL FOR INTERIM PERIOD

The Palestinian problem assumed greater importance after 1939, as a result of Hitler's persecution and the consequent dislocation of the Jews then inhabiting Central and Eastern Europe. A large number of them were done away with and something like 200,000 are still to be found in the camps for displaced persons. There are, I understand, another 150,000 in other parts of Europe. Although it appears from the evidence that persons in these camps are being fairly well looked after—extra rations of food and clothing are being supplied to them—yet it is natural that they would not like to remain in places which revive bitter memories. Nor can life in these camps be regarded as normal; it cannot certainly be a permanent arrangement. Those living in the camps for displaced persons would like to get settled somewhere else. Persistent propaganda on behalf of the Jewish Agency has continuously been carried on in their midst, and they appear to have been told that they would find a haven in Palestine. As a part of its scheme to acquire a State, the Jewish Agency has been doing all it can, with the help of funds supplied by world Jewry, to attract as many Jews to Palestine as it can. Most of the other countries in the world have not been willing to receive them so far and it is, therefore, not surprising to hear that a majority of the Jewish residents of the camps for displaced persons have expressed their preference for Palestine. They must have known through a large number of their co-religionists who have succeeded in entering Palestine—legally or

illegally—that they have been well-treated by the Jewish Agency, and that every facility was being given to them to find work in their respective spheres and homes according to their stations in life. Whether the Jewish Agency would be able to accommodate a large number of Jews in Palestine in the future is open to question, but it cannot be disputed that the Jewish Agency has used displaced persons as an instrument of propaganda, with the object of creating sympathy in the world at large for the remnants of European Jewry, although the latter should not, in my opinion, be treated differently from a large number of other persons in the camps for displaced persons. At any rate, if places are found for the Jews living in these camps, the situation which has enabled the Jewish Agency to invoke sympathy will disappear, and at the same time, the actual urgency of the immigration problem will be removed.

The duty of finding suitable places for these persons rests with the whole world, and not with Palestine alone. According to the official figures, more than 218,000 Jews have been admitted into Palestine during the last nine years; there have been, in addition, a fairly large number of illegal immigrants. This work actually falls within the ambit of the International Refugee Organization; but it is necessary, in my opinion, for this Committee to propose that the United Nations should appeal to the world for suitable homes for these people as speedily as possible.

From a practical point of view, a transitional period during which steps must be taken to set up a new form of government is imperative. An independent State could not be set up in a day; and the problem becomes more difficult if we find that the solution will be unacceptable either to one party or to the other. It is, therefore, necessary that a transitional arrangement should be made which, under the terms of the Charter, is now possible only through a trusteeship agreement. It is quite true that such an agreement can be made only with the consent of the States concerned. The question whether the Arab States would be held by the United Nations to be the States concerned in such an arrangement would probably be decided in the affirmative; but whether they are or they are not concerned, the mandatory Power is certainly one of the States which will be concerned in these arrangements. From what I have read in *The Times* of London on 18 August, it appears that the Government of the United Kingdom, single-handed, is not prepared to assume responsibility for the future. In fact, one Member of Parliament (Conservative) suggested that the British Army should leave Palestine as early as possible. This makes the task more difficult; but I have no reason to doubt that, in the in-

terests of peace, the United Nations and particularly the United States of America will agree to assist the British Government during this transitory period.

A transitional arrangement would, however, aggravate the present situation unless it were accompanied by a definite solution which would be put into effect immediately upon the termination of such an arrangement. It is also incumbent that its duration should be definitely stated in the agreement, and that it should not be a very lengthy one. Speaking for myself, I have no doubt that, although the solution which I have suggested would be resented by the Jews and that a certain amount of terrorist activity is bound to follow, yet this is inevitable in the circumstances. The Jewish population has been allowed to grow and the situation has to be faced. The sooner this is done, the better. In my opinion, a period of three years should be ample for the purpose.

It is assumed that the objective of trusteeship is one of preparing the ground speedily for the creation of an independent Palestine, and a large number of preliminaries will have to be settled during this period before the new Government can come into being and begin to function. It is necessary to add that, although preserved by Article 80 of the Charter, the Mandate, which must be held to have been acted upon legally so far, will have to be terminated and will be superseded by the arrangement which I have suggested.

(V) CONCLUSIONS

In view of what I have said I would make the following recommendations:

1. Independence should be granted to Palestine as a whole, and a declaration to that effect should be made forthwith.
2. The Mandate should be terminated.
3. A federal Palestinian State should be formed, which ...ould be composed of both Arabs and Jews.
4. The rights of the Jews (ethnic, cultural, linguistic and religious) should be fully protected by the constitution.
5. All Holy Places should be protected, and boards may be constituted for the purpose.
6. Immigration should cease except within the limits mentioned herein, and the law relating to the future immigration would be passed by the new Government when it comes into existence.
7. A trusteeship agreement may be entered into for a period of three years, during which time the trustee must take steps to prepare the Palestinians to take charge of the country and to form a government.

IV. RESERVATIONS AND OBSERVATIONS OF MR. E. R. FABREGAT, REPRESENTATIVE OF URUGUAY

(I) BOUNDARIES AND TERRITORIES OF THE NEW STATES AND CITY OF JERUSALEM

The delegation of Uruguay has voted in favour of the final solution which led to the agreement and resolution adopted by the majority of the members of the Special Committee regarding the definition of the territories and the establishment of the boundaries between the independent States proposed in the majority report.¹

In due course, when the Committee began its deliberations in Geneva, following its work in Palestine, the delegation of Uruguay submitted its integral plan, which included:

1. A territorial solution of the Jewish problem.
2. The creation of an independent Jewish State and of an independent Arab State in the present territory of Palestine.
3. A system of economic co-operation between the two States.
4. A special system of administration for the City of Jerusalem and other Holy Places in Palestine.

The final plan, which has come to be the majority report, includes precisely those fundamental points. Once these had been adapted to the main lines of other proposals put forward for the Committee's consideration, and once it was possible to avoid the cumbersome machinery of a Confederation (which might have reduced the sovereignty of the two independent States to the minimum without the approval of its citizens), and to avoid also the creation of a third, semi-theocratic, semi-political State (such as would have resulted had the City of Jerusalem and adjacent territories been given such status), the delegation of Uruguay supported and voted in favour of drawing up the plan finally adopted by the majority and of delineating it, in a political way, upon the map of Palestine.

(II)

In supporting and voting in favour of the solution of this main aspect of the Palestine question, however, the delegation of Uruguay expresses its reservations as regards the following points:

(a) The division of Galilee, the western part of which is to be included in the proposed Arab State, would result in the inclusion within that State of a number of important Jewish settlements, particularly those of Nahariva and Hanita, which are the result of tenacious efforts on the part of their inhabitants. It is our firm conviction that these settlements, which are important centres of progress and a real work of creation on a formerly desert coast, should remain in the hands of the Jewish nation which brought them into being.

(b) In our opinion, the incorporation of the

Arab city of Jaffa into the Jewish territory constitutes a solution for which it would be difficult to find an explanation.

(c) The incorporation of the Arab city of Beersheba and the surrounding area into the Jewish territory is likewise not supported by the evidence of facts.

It should be noted also that the division of Galilee, which would, it seems, greatly lessen the possibility of economic development in that area, would in turn prevent a good many of the social groups which Jewish immigration would bring to Palestine within the next couple of years from settling on the land, and would prevent the consequent transformation of that area through the use of new technical equipment. Good proof of the transformation possible is to be found in the progress made by the Jewish communities recently.

It should likewise be borne in mind that, from this viewpoint of social development, the problem of Palestine cannot, certainly, be considered on the basis of its present population—especially in view of the restrictions adopted against immigration in 1939. Rather, it should be considered on the basis of the potential population which can readily be foreseen.

(III) RECOMMENDATION XII ON IMMIGRATION

The delegation of Uruguay has on a number of occasions gone on record as opposing recommendation XII (in Chapter V of the report) adopted by the majority of the Committee.

Regarding this point, the position of the delegation of Uruguay is summed up in the terms of its substantive proposal which states:

"The creation of a Jewish State will provide the territorial solution for the European Jewish problem, and will permit reparation in part for the terrible damage suffered under the nazi persecution by the Jewish people, who are still exposed to new wrongs and racial discrimination."

It is obvious that if the Palestine problem is directly linked with the problem of immigration, this latter problem has in turn been connected with, and is stimulated by, two well-known facts: first, the nazi persecution which cost the Jewish people of Europe the lives of six million persons, who were systematically exterminated in the gas chambers and crematories of the nazi regime; and second, anti-Semitism, which has continued to exist and may result in fresh outbursts of persecution and violence.

Hence, the urgent necessity of finding a territorial solution to the Jewish problem and of providing a basis for the solution in Palestine. This was indeed stated in the text of the Mandate of 1922, in its provision for the creation of a Jewish National Home in Palestine. As the special Committee has been able to see for itself, the same demand is being made today, in no equivocal terms, by the Jews of Europe who

¹See volume I, chapter VI.

escaped extermination by the nazis and who are able to stand the severest tests throughout the course of their new exodus across the continent, as they press on to reach the country twice promised to them; in the promise made by their God from Mount Sinai, and in the promise of the nations which drafted the provisions of the Mandate at San Remo in 1922.

The delegation of Uruguay has, on the other hand, in its full support to the provisions concerning immigration made in the report. When this point was being dealt with, the delegation of Uruguay submitted a proposal for the establishment of a special emergency regime which included provision for the Jewish children who are at present huddled together in the camps for the displaced persons of Europe and in the detention camps on the Island of Cyprus.

One and a half million such children made up the tragic total of mass exterminations which the conscience of the world did not succeed in stopping. The children who survived this great and terrible tragedy now, in innocent distress, people the places destined to hold the refugees and persons driven from their homes by persecution and war. The situation of these children is absolutely desperate. It was because of this situation that the delegation of Uruguay formulated its proposal to the Committee for the drafting of a special resolution with regard to sending immediately to Palestine all the thou-

sands of children and thousands of mothers now undergoing this trial. It should be added that in the present circumstances it will be very difficult for many of them to survive the hardships of the coming winter.

The Committee's resolution, setting at 80,000 the number of persons who for humanitarian reasons should make up the quota of immigration to Palestine during the so-called transitional period, has afforded a very noble and comprehensive solution for this pressing problem, and thus lends the Committee's support to the proposal put forward by the delegation of Uruguay.

The delegation of Uruguay will, however, again submit this same proposal to the General Assembly of the United Nations, setting it apart from the problem of Palestine as a whole, in order to obtain the urgent solution which this grievous situation demands.

(IV)

When this question is reopened for consideration by the General Assembly of the United Nations, the delegation of Uruguay will be prepared to reiterate if necessary the alternative proposal which constituted its plan, and which it supported in the Committee, regarding the institutional organization of the two States and the system of economic co-operation to be established between them.

V. VIEWS OF MR. V. SIMIC, REPRESENTATIVE OF YUGOSLAVIA

A. COVERING LETTER TO MR. JUSTICE E. SANDSTROM, CHAIRMAN OF THE SPECIAL COMMITTEE ON PALESTINE

31 August 1947

When the procedure to be adopted for the writing of the Committee's report to the General Assembly of the United Nations was decided upon, it was resolved that a single report would be prepared and submitted. This decision was taken notwithstanding the fact that it had already become obvious that two different points of view had taken shape, in the course of the discussion within the Committee, regarding the solution of the Palestine question. One point of view, which was that of the majority, favoured the partition of Palestine into two separate States—an Arab State and a Jewish State—with the establishment of an economic union. The second point of view, which was that of the minority, favoured the creation of an independent federal State of Palestine.

There were two main reasons why such a decision was taken. Despite the difference of opinion regarding a settlement of the Palestine question, there were a number of recommendations which were contained in the proposals of both the majority and the minority. There was, secondly, the conception that the Committee members were under no obligation to subscribe to either of the two solutions, but that they could, if they so desired, sign the report as a whole, and

thus recommend both proposals to the General Assembly for consideration and decision.

This could not, however, lessen the substantial difference existing between the two proposals. As this difference had arisen from different appraisals of the historical, political, national and economic aspects of the problem under consideration, it was only natural that every member of the Committee could not be expected to accept all the views expressed in the various parts of the reports. Nor could the majority, on the other hand, permit these reports to lose those features whereby they had offered an explanation and a justification of the proposal the majority had put forth. It was for that reason that each Committee member was granted the right to make the reservations he deemed necessary in the course of the discussion of the different sections of the report, and to reserve for himself the right to submit his views in this respect, such views to be incorporated in an appendix to the joint report.

In accordance with that decision I, being unable to agree with Chapters II, IV and VI, have reserved the right to submit separately my views on:

1. The main features of the historical background of the Palestine question;
2. The appraisal of the Palestine Mandate and its functioning in the present situation;
3. The present situation in Palestine; and

4. Basic principles and premises for the solution of the problem.

The latter document contains the principles which prompted me to place before the Committee, at an informal meeting held as far back as 7 August 1947, a memorandum proposing that a united independent Palestine should be given a federal form or organization. The contents of this memorandum were besides, adopted by the working group favouring a federal solution as a basis for the proposal which this group was subsequently to work out in all the necessary detail.

I am therefore submitting these views within the time limit set. I ask that, in accordance with the Committee's decision, these views be included together with this covering letter in the appendix to the report.

(Signed) Vladimir SIMIC
Representative of the Federated Peoples Republic of Yugoslavia

B. THE MAIN FEATURES OF THE HISTORICAL BACKGROUND OF THE PALESTINE QUESTION

1. *The independence movement of the Palestine Arabs*

Palestine is one of those countries of the Near East in which the Arab nationalist movement developed before and especially during the First World War. The aim of this movement was to put an end to Turkish rule and to establish independence. As such, the Palestine Arab movement was closely connected with the Arab movement in the neighbouring Arab countries.

Seeing that the war which was being waged by the Entente Powers against the Central Powers extended to them the possibility of smashing the rule of the Turkish Empire, the Arabs of Palestine together with the Arabs in neighbouring countries placed themselves on the side of the Entente. This was understandable because statements were made, by persons in responsible positions, by authorities representing the Entente Powers and especially by the British, in which the right of these peoples to independence was recognized and in which they were promised support toward that end.

The fact that the Arabs were on the side of the Entente was of political and military help to the British and French in their operations in the Near East.

2. *The British a determining factor in the Near East following World War I*

The situation in the Near East changed with the occupation of Palestine and other Arab countries by the Entente military forces. The Ottoman authorities were replaced by French and British military and civil administrations which, on the one hand, were temporary both according to promises made by those Powers themselves and according to obligations under the Mandate but which, on the other hand, meant the creation of political and economic bases upon which these Powers could rely as

well as the retention of their armed forces on the territory of the Near Eastern countries.

By decision of the League of Nations Council, set forth in Article 22 of the League of Nations Covenant, the right of these peoples to achieve independence is recognized in paragraph 4. This paragraph reads as follows:

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

Countries coming under this Mandate, known as a Class A mandate, were recognized as having the right to, and being capable of, independence in the greatest measure as compared with other countries coming under mandates of other categories.

The further development of the neighbouring Arab countries is the history of a long and stubborn battle for the attainment of complete independence as quickly as possible. From time to time, this battle sharpened into armed uprisings, riots, demonstrations and strikes. The peoples of Syria, Lebanon, Iraq, etc., succeeded in making great strides toward the attainment of independence during the period between the two world wars, and during as well as after the Second World War. Developments in Palestine, however, did not unfold in the same way.

3. *The Jews in Palestine and the policy of creating a Jewish national home as the third factor in Palestine's development*

Small Jewish settlements have always existed in Palestine. There were periods when these settlements received people from the outside, for instance, in the sixteenth century when the Jews fled from Spanish persecution and came to Palestine, and in the seventeenth century when they fled from Eastern Europe.

During the second half of the nineteenth century, a significant number of Jews began again to settle in Palestine. This time their settlement was somewhat different. Even though it was then, as it had been earlier, caused by the difficult position of Jews in certain European countries, a considerable number of them came to Palestine feeling as though they were returning to their homeland. Some of them intended to settle on the land as farmers.

The number of Jews in Palestine rose from 12,000 in 1845 to 25,000 in 1881, and to 80,000 in 1914. In the year 1914, 12,000 Jews made their living on the land and were settled in forty-three settlements or "colonies."

The Zionist movement, which had its beginnings at the Basle Congress of 1897, aimed to unite, strengthen, and broaden the above-mentioned tendencies regarding the settlement of Palestine. To secure the success of their plans, the leaders of the Zionist movement turned to the British Government for help. As is well-known, the British Government at that time

was showing a marked interest in the Near and Middle East, which led to the establishment of British control and domination over countries in that area.

It may be mentioned here that at that time, that is, up to the First World War, there were no conflicts between Arabs and Jews.

By decision of the Governments representing the most important Entente Powers, certain provisions were included in the Palestine Mandate which gave it a specific character. These provisions represented the recognition of the desires and demands of the Zionists to settle in Palestine and to create there a Jewish National Home.

The Palestine problem arose—apart from the provisions of the Mandate itself—from the following:

(a) From the newly created situation in the Near East, where Great Britain had become the dominant Power. This was the result of the carrying out of the Sykes-Picot agreement in which the British emphasized their interests in the countries of the Near East, and separately in Palestine, where they sought an outlet to the sea near Haifa. In countries which were under a British mandate or protectorate, Great Britain created a strong base for the realization of her imperial, political and economic interests.

(b) From the policy carried out by Great Britain in the execution of the Palestine Mandate. This policy had two aspects: Great Britain as the mandatory did not endeavour to prepare Palestine for independence; Great Britain carried out its policy without the agreement of the interested Palestine parties, imposing this policy upon both Arabs and Jews.

4. *The Mandate and the population of Palestine*

The situation created by British occupation of Palestine, and later by the establishment of the mandatory authority as well as by the postponement of the proclamation of the independence of Palestine, was regarded by the Arab population of the country as detrimental to its interests in the greatest degree. The Arabs considered themselves deceived because earlier promises and obligations had not been fulfilled. This feeling was expressed at a series of conferences and congresses held in Palestine, Syria and Egypt. From the beginning, the population of Palestine was unfriendly to the mandatory authority, which it considered to be a continuation of military occupation as well as an instrument of British imperial policy. According to the Peel Commission, the Mandate was regarded by the Arabs as "merely a cynical device for promoting British imperialism under a mask of humane consideration for the Jews." This point of view regarding the authorities is justified by the fact that no self-governing democratic institutions were created either then or later. The embitterment of the Palestine Arab population, because of the denial of its rights to an immediate proclamation of independence and to the creation of democratic legislative and

administrative organs, was expressed in many ways. These were as follows:

- (a) Refusal to recognize the legitimacy of the Mandate;
- (b) Armed uprisings, conflicts, attacks, strikes and massacres;
- (c) Appeal to the neighbouring Arab peoples for help, as well as appeal to world public opinion.

The embitterment manifested by the Arab population of Palestine after the proclamation of the Mandate did not diminish in the years that followed. On the contrary, it turned into unceasing resistance to the mandatory authority.

While the Arabs were openly unfriendly to the establishment of a Mandate over Palestine, the Zionist leaders not only agreed to its establishment but specifically requested, in a proposal submitted to the Supreme Council of the Peace Conference in February 1919, that Great Britain be the mandatory. "The selection of Great Britain as mandatory is urged on the ground that this is the wish of the Jews of the world..." reads the proposal. In this way, the Zionist leaders took upon themselves a part of the responsibility for the establishment of the British Mandate and control over Palestine, thus strengthening the position of the British Empire in Palestine itself and in the Near East in general.

This policy of the Zionist leaders was one of the main reasons why the Arabs, during the riots and demonstrations of 1921, attacked a certain number of Jews as well.

The Peel Commission, enumerating the reasons for these riots, disorders and attacks, observes that, in the first place, the reason was the following: "The Arabs' disappointment at the non-fulfilment of the promises of independence which they believed to have been given them in the war."

5. *An attempt to solve the problem of Arab-Jewish relations by agreement*

Under the very undemocratic conditions existing in the country, and because of them, the relations between the Arab and Jewish political leaders were marked by national exclusiveness. Both sides believed that they would achieve their aims if they could succeed in gaining the favour of the British Government.

There were times when the leaders of both sides, Arab and Jewish, negotiated directly or indirectly. One such attempt took place in Cairo early in 1922. The Arab representatives announced their readiness to accept Jewish settlement in Palestine, to establish contact as befits related peoples, and to co-operate for the progress of Palestine. On his part, the Jewish representative accepted the Arab invitation to co-operate and emphasized the historical rights of the Jews in Palestine. In recognizing Jewish aspirations, the Arabs expressed the wish that the negotiations be carried on without regard to earlier agreements, declarations, etc. They expressed this in the following announcement: "The Arabs and Jews today must discuss their

problems as one nation to another. They must make mutual concessions and recognize each other's rights."

These negotiations were discontinued by wish of the British Government, which requested of Weizmann that they be postponed "until the Mandate is ratified."¹ It is impossible to understand why such a postponement was necessary. The ratification of a Mandate which would be able to rely upon an Arab-Jewish agreement would only have increased the chances for the successful execution of the Mandate provisions.

These negotiations were continued in Geneva in September of the same year. Further strides were made in the mutual recognition of Jewish and Arab rights. The Geneva negotiations, however, were also broken off before discussion of practical details was reached. Mr. A. Safir, who was the Jewish representative for these negotiations, declared before the British Commission of 1937 that they were discontinued after Weizmann's visit to the British ambassador.

6. *The nature of certain Arab-Jewish conflicts*

The years 1929-1931 showed that British policy in executing the Mandate was bringing the situation in Palestine to a new dead end. On the one hand, new tendencies in the policy of the Arab leadership became evident in the disorders of 1929. Discouraged by the failure to create self-governing organs of government, Arab leaders sought a way to manifest their dissatisfaction to the world public and especially to the Moslem world, and to call attention to their difficult position. Among the Arab leaders at that time were men who called for open anti-Jewish action, as a way of exerting pressure on the Government and with the aim of stopping immigration and the sale of land to Jews. The increased immigration of Jews at that time and the implacable stand of the Jewish leaders served to give the Arab leadership a reason to call for battle against the Jews.

In 1929, following several years of good and normal relations, the chauvinistic forces on both sides, taking advantage of certain disagreements in regard to the Holy Places, caused bloody conflicts in which many hundreds of Arabs and Jews lost their lives. In order to better understand the conditions under which the 1929 clashes took place, it is useful to note the following: On the eve of 28 August 1929 and on the following day, when a multitude of Arabs began arriving in Jerusalem armed with heavy sticks, clubs, pistols and knives, and when the Jewish representatives asked that the Arabs be disarmed, the Government did not accede to this request. Kingsley-Heath, the police officer on the Jericho side of the city, realized the seriousness of the situation and undertook to disarm the Arabs, but discontinuance of the disarming was ordered by Major Allen Saunders, Inspector-General of the Palestine police. It is significant that the discontinuance of disarming was ordered despite the fact that two months of

very bitter mutual campaigning by both sides in the Press and at public meetings had preceded this clash, and despite the fact that no one could doubt the intentions of the armed groups gathering within the city.

What is characteristic of these conflicts is that, after the first wave of killing and violence, the attacks ceased very quickly. The boycott of Jewish products quickly lost its effectiveness despite the chauvinistic incitement in the Press. In this respect, the conflict of 1929 differs from the conflicts of 1933 and 1936, when the Arabs rose against the mandatory and when—in spite of cruel and drastic methods of repression—the continual and individual attacks lasted long after the main force of the uprising had been put down. The policy of mutual attack, and the incitement to Arab and Jewish conflict succeeded in mobilizing the Arab population to a much lesser degree and with much less intensity than the policy of rebellion against the mandatory.

The establishment of the Shaw Commission and its report, as well as the Hope Simpson investigation, the White Paper of 1930 which followed these investigations, and finally MacDonald's letter to Weizmann contributed to the deepening of the conflict between the Arab and Jewish leaders. Specifically, Shaw and Hope Simpson stated that there was not enough tillable land in Palestine to support the settlement of new Jewish immigrants, and emphasized that the immigration of new Jewish workers would result in an increase in Arab unemployment. Shaw and Hope Simpson emphasized that new immigrants could nevertheless settle on the land if extensive irrigation projects were carried out and if agricultural methods were improved, and that the number of unemployed would necessarily be decreased if the arrival of new Jewish labourers was accompanied by the import of capital and its investment in industry. In the White Paper, not enough attention was paid to these positive observations. It denied the possibility of absorption and therefore officially gave support to the Arabs in their stand against immigration. This was a hard blow to Zionist policy so that Weizmann and some of his associates resigned from the leadership of the Jewish Agency. Some months later, after the negotiations between the Agency and the British Government, MacDonald sent Weizmann a letter in which he presented an interpretation of the White Paper which more nearly coincided with Jewish demands.

The Jews always quote the White Paper of 1930 as proof of how mistaken was the estimate of Palestine's absorptive capacity, whereas MacDonald's letter is known as the "black letter" among the Arabs. Peel himself observed the following regarding the difference between the two: "This letter did not repudiate the policy laid down in the White Paper; it set out to explain or interpret it. But, on such important points as prospective availability of State land for Jewish settlers or the admission of Jewish labour maintained by Jewish capital, the interpretation was more favourable to Jewish

¹ Information from the statement of Aharon Cohen, representative of the League for Jewish-Arab Rapprochement and Co-operation.

claims than the uninterpreted White Paper had seemed to be."

By such a vacillating policy, the British Government could only convince both sides that British policy toward the opposing side could be changed by pressure on and by agreement with that Government.

The stand taken by the representatives of the Jewish Agency on the basis of the conclusions reached at the Lucerne Congress in 1935 regarding the creation of a legislative council greatly decreased the possibility of closer rapprochement with the Arab representatives. That stand was motivated by fear of a policy of majority rule on the part of the Arabs.

Some time later, with the knowledge and authorization of the Jewish Agency, Dr. Magnes carried on some preliminary negotiations with certain Arab representatives from Palestine and from outside Palestine. The Jewish Agency persistently refused to agree to permanent status as a minority, while Dr. Magnes and some other moderate elements were willing to agree to minority status for a period of ten years. These negotiations were without result because the Palestine Arab leadership felt that His Majesty's Government was inclining more and more towards that point of view which was finally expressed in the White Paper of 1939. The possibility of agreement was also diminished due to the activities of the Revisionists, who gave much cause for the assertion that Jews do not favour equal co-operation with the Arabs but demand a Jewish State, that is, Jewish domination on both sides of the Jordan River.

An attempt to which too little attention was paid at the time dates from the same period as the above-mentioned conflicts between the Arab and Jewish leadership. In 1930 a society called the Workers' Brotherhood was founded for the purpose of organizing Jewish and Arab workers in a common union. The initiative for the founding of this society came from the people themselves. This meant that consciousness of the need for unified action and close co-operation among Arabs and Jews had strengthened. This attempt was doomed to temporary failure. The authorities forbid the organization to continue its activities and prohibited the publication of its newspaper.

In everyday life, in social and economic contacts, and in the attitude of the Arab peasant toward the Jewish settlers, the relations between the two peoples were good. It is necessary to emphasize these good relations in connexion with the fact that propaganda for the boycott of Jewish products continued and that the Press on both sides was filled with attacks and threats.

The campaign carried on by the Arab Press in 1933 against the Jews grew "steadily more inflammatory," in the estimate of the Royal Commission. A new regulation regarding the Press was issued; it provided for the banning of newspapers whose contents threatened the public peace. Nevertheless, despite the most bitter chauvinistic agitation by one side or the other, not one newspaper was banned.

7. *Arab uprisings against the mandatory*

Attacks on government offices and government police, from 18 to 29 October 1938, indicated that the dissatisfaction of the Arab population had reached its peak. The uprising which began in 1936 and did not end until the beginning of the Second World War was basically the same as that of 1938. The riots began with incidents among certain groups of Arabs and Jews, but developed into a broad uprising against the mandatory Power. Whole detachments of rebels were organized with the support of the population. The British troops, which succeeded in again becoming masters of the situation only after long and cruel operations, imposed heavy losses in life and property upon the people and the rebels. The Peel Commission made the following observation regarding this uprising: "It has been pointed out that the outbreak of 1938 was not only, or even mainly, an attack on the Jews, but an attack on the Palestine Government. In 1936 this was still clearer. Jewish lives were taken and Jewish property destroyed; but the outbreak was chiefly and directly aimed at the Government. The word 'disturbances' gives a misleading impression of what happened. It was an open rebellion of the Palestinian Arabs, assisted by fellow-Arabs from other countries, against British mandatory rule." The uprising of 1936-1939 brought such broad masses of the people into the battle against the mandatory that it resulted in the creation of an unbridgeable gap between the Arab population and the Government.

During the uprising itself, and especially during the Second World War, new forces came into being within the framework of the Arab nationalist movement. These new forces were represented in the "League for the National Liberation of Palestine," which carries on an uncompromising battle against the mandatory authority, supports the democratization of the Arab movement and favours rapprochement and co-operation with democratic Jewish forces. The Arab workers' movement co-operated with the Jewish labour movement in the political and economic fields. These new forces found expression also in the creation of a unified "Arab front," which gathered about itself those Arab politicians who considered that close co-operation with the Jews was an important condition for the waging of a successful struggle for independence. The Arab front had its centre outside of the Arab Higher Committee, and opposed that committee. Only upon the intervention of the Arab League, which appealed for "unity" in the Arab movement in Palestine, did some members of the front join the Arab Higher Committee.

8. *Jewish immigration and the development of the Jewish community*

The immigration of Jews into Palestine, from 1930 up to 1939, took place under significantly changed circumstances. As a consequence of the economic crises and unemployment, and primarily because of the growth of

fascist forces and the subsequent persecutions of the Jews beginning in 1933 in Europe, the number of immigrants began to grow rapidly; from 4,075 in 1931 to 9,553 in 1932, then to 30,327 in 1933, and 42,359 in 1934 with a peak of 61,854 in 1935. Many of these immigrants were specialists and highly skilled workers. Investments in Jewish industry, which in 1930 amounted to 2,095,000 Palestine pounds, multiplied five times and reached the sum of 11,064,000 Palestine pounds in 1937. Thus, Jewish industry became a determining factor in the country's economy.

The political and cultural life of the Jewish community took on a broader aspect, so that at the beginning of the Second World War the Jewish community in Palestine was no longer simply a small minority but rather a first-rate factor in the life of Palestine. The significance of this community grew, not only in relation to local conditions in Palestine and the Near East but also in relation to the difficult position of the Jews in those areas of Europe which little by little were falling victims to Hitler's invasion. There were, however, rather strong political forces at the end of thirty years which were against the exclusive stand of the Zionist Centre and Right wings, and which considered agreement and co-operation with the Arabs to be of first-rate importance.

Hashomer Hatzair, Ihud, the Jewish Communists and the League for Arab-Jewish Rapprochement not only propagated the idea of co-operation with the Arabs but undertook concrete measures for the realization and the extension of such co-operation.

9. *The White Paper*

Through the White Paper, the British Government attempted to meet the situation which prevailed before the beginning of the war as a consequence of the Arab uprising and the strengthening of the Jewish community, and also as a consequence of the growing unfriendliness which the whole population of Palestine was manifesting towards the mandatory authority. The White Paper satisfied neither the Arabs nor the Jews, since the provisions for the establishment of a democratic Palestine government were never put into effect. It was a momentary concession to the political demands of the Arab leaders with regard to immigration and land laws, but practically speaking it did not solve the basic existing problems. The White Paper did not mean the beginning of a democratizing administration, the creation of local self-government, and elections. It did not solve the problem of Arab-Jewish relations on the basis of the equal rights of two sovereign and independent peoples. Finally, it did nothing to prevent the spreading of chauvinism, intolerance, and the like.

10. *Palestine during the Second World War*

The Arab uprising had subsided by the time the Second World War began in 1939. During the war, the new democratic forces among the Arabs grew quickly in strength and became a significant factor in public life, in the Press, in

the cities and in the villages. The League for the National Liberation of Palestine, the workers' movement and circles close to them stood firmly for co-operation as a necessary condition to the achievement of independence by both peoples.

The fate of European Jewry under the heel of the fascist conquerors had a direct effect on the Jewry of Palestine. The main result of this was the broadening of the demand for increased immigration, mostly to solve the problem of those unfortunate Jews who are today in the various camps for displaced persons.

The influence of progressive forces among the Jews was strengthened during the anti-fascist war.

Another characteristic point is the rapid development of the Palestine economy. Due to transport difficulties and limited imports of industrial products during the war, Palestine industry, and especially Jewish industry, began to grow very rapidly. Palestine's economic ties with the other countries of the Near East multiplied many times.

Generally speaking, the situation in Palestine during the war developed in the direction of peaceful and improved political, economic and cultural relations between Arabs and Jews. It is necessary, however, to point out various developments which were not in keeping with this trend. A part of the Zionist leadership thought that the time had come, for the above-mentioned reasons, to make maximum demands again. Thus, we have the Biltmore programme which aimed at a solution—that of a Jewish State throughout the whole of Palestine—which, during the past two and a half decades, had shown itself to be incompatible with the situation in Palestine and with the rights of the Arab people. An analogous tendency was to be found among the Arabs as well. Those representatives of the Palestine Arabs who considered that the only possible solution to the Palestine problem was the creation of an Arab State began to organize once again. The politics of the great Western Powers were not completely absent from this scene, as is testified to by the distinguished member of the Anglo-American Committee of Inquiry, Mr. Bartley Crum.

Despite the demands of the chauvinistic leadership on both sides, and despite their economic boycott of each other and bitter attacks in the Press, the basic tendency proved to be a desire for the strengthening of peaceful relations between Jews and Arabs. This was shown by the growth of trade between the Arabs and Jews, and also by their successful co-operation in a number of institutions established for the furtherance of certain common interests. Among such institutions are the General Agricultural Council, the Citrus Control and Marketing Boards, the Joint Transport Advisory Board. The mixed municipality councils provide another example of successful co-operation.

The awareness of the Arab and Jewish working classes that co-operation is necessary has found expression in the growing number of strikes held in common. In 1943, 515 Arab and

Jewish workers participated jointly in strikes. In 1944, the number of workers participating in such common strikes rose to 1,250, in 1945 to 2,580, in 1946 to 30,000 and thus far in 1947 to 40,000. These strikes are not merely of economic but of political significance as well. Demonstrations having as their slogan "Unity of Arab and Jewish workers means victory" accompanied the strikes.

The growing conflict between the Jewish population and the mandatory, in addition to the already existing opposition between the Arabs and the mandatory, has seriously shaken the position of the Palestine Government. It was forced to increase considerably its military and police forces, to more than double expenditures for police, to proclaim martial law and to isolate itself behind thick rows of barbed wire and carefully guarded entrances.

C. THE APPRAISAL OF THE PALESTINE MANDATE AND ITS FUNCTIONING IN THE PRESENT SITUATION

(I) The Mandate is the international instrument by virtue of which Great Britain governs Palestine. It is the legal title whereunder Great Britain's jurisdiction over Palestine is exercised. Thus, Great Britain's position as regards Palestine was that of a trustee called upon to carry out an international mandate under specific conditions and for specific purposes. This means that Great Britain did not acquire sovereignty over Palestine; it was merely given certain powers which were deemed necessary to enable it to carry out the obligations it had assumed under the Mandate. These obligations were laid down in Article 22¹ of the Covenant of the League of Nations and in the text² of the Palestine Mandate of 24 July 1922. They can be taken to fall under three main headings:

(a) The general obligations defined in paragraph 1 of Article 22, which apply to all mandated territories and which make it incumbent upon the mandatory to further the well-being and development of the mandated territories;

(b) The obligations relating to Class A mandates (paragraph 4 of Article 22), the general purpose of which is to prepare the mandated territories for an early independence. (These obligations are confirmed in articles 2 and 3 of the Palestine Mandate);

(c) The specific obligations of the Palestine Mandate involving the establishment of a Jewish National Home, the facilitation of Jewish immigration and the close settlement of the Jews on the land.

(II) The first set of obligations covers a very wide range of tasks which the mandatory was called upon to perform in order to create favourable general conditions for the pursuance of a positive policy designed to enable the mandated territory eventually to "stand alone under the strenuous conditions of the modern world." It would transcend the scope of this report to examine in any detail the achievements recorded

in this field by the mandatory in Palestine. We shall merely confine ourselves to some of the more general aspects of the matter, such as education, public health, the legal system, the land system, taxation, social legislation and general economic policy.

As regards *education* and *public health*, we could not help but be struck by the extremely low percentage of budgetary expenditure under the above two items. This percentage, which amounted to 4.86 on education and 6.2 on public health in 1922-1928, decreased to 3.99 on education and 3.3 on public health in 1936-1937, and fell to 3.09 on education and 2.9 on public health in 1943-1944. The relevant figures for 1944-1945 were 2.9 and 2.7.

The inadequacy of expenditure on education was noted by the Peel Commission in 1937: "It seems to us unfortunate that the administration has been unable to do more for education. Its share of the total expenditure is not only small but the percentage has been perceptibly falling since 1933."

Significant in this respect is a comparison with Iraq, a former mandated territory which has acquired its independence. Although suffering from greater initial disadvantages, and with ten times as many unsettled Bedouins as Palestine, and although handicapped by geographical conditions, Iraq found it possible to apportion a greater percentage of its expenditure to education. This percentage has, moreover, been displaying an upward trend: from 6.1 per cent in 1930-1931, allocations for education were increased to 12.9 per cent in 1940-1941.

The *legal system* evolved in Palestine under the Mandate did not impress us as being of a nature to accelerate the general development of the country. It is based, on the one hand, on the obsolete Turkish Mejelle, which has now been abandoned both in Turkey itself and in the vast majority of countries where it had once been in force, and, on the other hand, on English Common Law and Law of Equity (article 46 of the Palestine Order-in-Council, 1922) which, whatever merits they may otherwise possess, are obviously a product of the particular historical development of the British Isles and are, therefore, wholly unsuited to the needs of a country like Palestine.

In a country where the majority of the population live from the land, the raising of the level of the peasantry is an essential prerequisite for the general advance of the country. In this respect, we are compelled to observe that little has been done under the mandatory regime to remedy the backwardness of the semi-feudal *land system* inherited from the Ottoman regime.

Mention must be made, in this connexion, of the *taxation system*. More than 50 per cent of the revenue is obtained through indirect taxation, and these indirect taxes are on the increase, both relatively and absolutely. Capital taxation and death duties do not exist, while archaic taxes such as tithes and animal taxes are still in force. Income tax, which has been introduced only recently (1940-1941), burdens particularly the small taxpayer, since inflation

¹ Annex 21.

² Annex 20.

of prices has drawn a large number of workers and employees within the scope of income-tax payment; large incomes, on the other hand, are little affected in comparison.

We are also obliged to note the absence of progressive social legislation. Such elementary rights of workers as the right to form trade unions, the recognition of trade unions, the right of assembly and strike, the limitation of working hours, minimum wages, compensation in case of discharge, payment for absence due to sickness, and annual leave, are not provided for in the labour legislation of Palestine.

The disparity between the living standards of Jewish and Arab workers is frequently referred to as one of the main causes of friction between Arabs and Jews in general. Indicative of the absence of any positive policy on the part of the Government to remove this disparity is the fact that the Government has failed to eliminate it even among its own employees, of whom there are some 80,000 and among whom there is the additional glaring disparity between British employees on the one hand and Arab and Jewish employees on the other. (Of the hundred and twenty-one officials whose salaries amount to more than one thousand pounds a year, a hundred and thirteen are British; only four are Arabs and only three are Jews, while one official is listed under the heading "others." Many similar instances might be cited.)

In respect of the mandatory Government's general economic policy, some mention should be made here of the special concessions granted to the Palestine Potash Company, the Anglo-Iranian Oil Company, the Iraq Petroleum Company, and the Consolidated Refineries Limited. The first of these companies was granted, in 1930, a seventy-five year concession for the extraction of salts and minerals from the Dead Sea, while the concessions granted to the two oil companies include such extensive privileges as the right-free of royalties, taxes, import duties and other payments, charges or compensations—to lay pipe-lines through any part of Palestine, to expropriate land, etc.

Characteristic in this respect is the question of the Huleh concession. Huleh is a swamp situated in the north-eastern part of Palestine. Not only is it a breeding ground for malaria-bearing mosquitoes, not only does it exclude from cultivation much good soil, but also it represents a waste of water which could be used for irrigation purposes. Nothing, however, has been done to drain this swamp or reclaim the soil during the twenty-five years of the mandatory regime. The reasons adduced to explain this failure to take any effective action on this matter were either of a financial and administrative nature, or else they referred to the partition proposal of the Peel Commission which, it was alleged, made it uncertain to which of the two States envisaged the area would belong.

These few examples go to show that little has been done in the course of the twenty-five years of the mandatory regime to implement the general obligations deriving from Article 22 of the Covenant. This was bound to affect adversely

the carrying out of the other, more specific obligations of the Palestine Mandate. Nor can this failure to abide by the basic terms of the Mandate be explained by the particular conditions prevailing in Palestine, i. e. by the strained relations between Arabs and Jews. As far back as 1930, the Permanent Mandates Commission of the League of Nations expressed the opinion that a more active policy of the mandatory Government in the field of social and economic development would probably have diminished antagonism between Arabs and Jews.

(III) As regards the development of self-governing institutions, the primary task of the Powers administering Class A mandates, we are obliged to note that no advance has been achieved in this respect under the mandatory regime.

The fundamental law of Palestine is the Order-in-Council, 1922, issued under the Foreign Jurisdiction Act of 1890. This Order-in-Council, as subsequently amended, and the other legislation enacted thereunder, applied to Palestine the system of government in force in the British possessions known as Crown Colonies.

Executive authority is vested in the High Commissioner, who is also Commander-in-Chief of the Armed Forces. He exercises the authority within the limit set by the aforesaid order, the provisions of which he may, under article 87, "vary, annul, add to" with the prior approval of the Secretary of State and with the assistance of the Executive Council, consisting of British officials.

Legislative authority is exercised either by the mandatory Power itself by means of Orders-in-Council, or by the High Commissioner by means of ordinances (which he enacts after consultation with the Advisory Council, consisting of the heads of the different Government Departments and of the District Commissioners, i. e. exclusively of British, generally colonial, officials), and by means of rules, regulations and orders made under such ordinances.

The judiciary is organized along similar lines. Practically all senior posts are a preserve for British subjects. The Chief Justice is British, while two out of the four puisne judges who assist him are of British nationality. Even as regards the power of inflicting punishment, a distinction is made between British and Palestinian judges: the former are empowered to impose upon any accused person double the maximum sentence or fine which the latter may impose.

The absence of self-governing institutions in Palestine is thus complete. Nor has any visible effort to develop them been made by the mandatory. It has, it is true, made two attempts, one in 1922 and one in 1936, to set up a Legislative Council. The failure of these attempts was construed by the mandatory as proof of the impossibility of implementing the obligations under article 2 of the Mandate, and as proof of the necessity of maintaining the Crown Colony system of government. These attempts, therefore, require a somewhat closer investigation.

In 1922 an Order-in-Council was issued providing for the creation of a Legislative Council to consist of the High Commissioner and twenty-

two other members, ten official and twelve elected; of the elected members, eight were to be Moslems, two Christians and two Jews. This scheme was rejected by the Arabs on the grounds that "no constitution which would fall short of giving the people of Palestine full control of their own affairs could be acceptable." The mandatory Power felt unable to accept this demand of the Arabs, because it would, the Power said, have made it impossible for it to implement a "pledge, antecedent to the Covenant of the League of Nations," i. e. the Balfour Declaration. It will be seen that the mandatory bases itself upon the well-known theory of "dual obligations," which it was invariably to refer to whenever there was a question of justifying a failure to carry out an obligation enjoined by the Mandate.

After the Arab refusal to co-operate, the mandatory, instead of making at least some endeavour to meet Arab demands by proposing the establishment of a more broadly democratic and representative body, while reserving for itself matters such as immigration, public order and others directly affecting the implementation of the Jewish National Home policy, hastily reverted to the system of a nominated Advisory Council, on a basis similar to that of the abortive Legislative Council. When this proposal, too, proved unacceptable to the Arabs, the mandatory made the quite irrelevant proposal to set up an "Arab Agency" as a counterpart of the Jewish Agency; this plan also, naturally enough, was rejected by the Arabs. The policy of the British Government on this question was summed up at the time by the Colonel Secretary, the Duke of Devonshire, in the following terms: "Towards all these proposals, Arabs have adopted the same attitude, viz. refusal to co-operate. His Majesty's Government has been reluctantly driven to the conclusion that further efforts on similar lines would be useless, and they have accordingly decided not to repeat the attempt."

In fact, thirteen years—at least eight of which were acknowledged by the British Government itself in its recent pamphlet on *The Political History of Palestine under British Administration* to have been free from disturbance—were allowed to elapse before a further endeavour was made in this sphere. The next attempt occurred in 1936, significantly enough after disturbances which, as is noted in the same pamphlet, were "directed not against the Jews, but against the mandatory Government" had again started. The Legislative Council now proposed approximated even less than did its 1922 predecessor a genuinely democratic self-governing body. The majority of the members were to be either nominated or officials (sixteen as against twelve elected). Council powers were to be extremely circumscribed: It was precluded from introducing money-bills, or from proposing a vote for the expenditure of public money or the imposition of taxation, except by direction of the High Commissioner, or even from passing "any resolutions which, in the opinion of the High Commissioner, were likely to endanger public peace." That the limitations of this pro-

posal were realized even within the British Houses of Parliament, is shown by a statement made at the time by Mr. Wedgwood, a Labour M. P., who explained "that the Labour Party oppose the legislative scheme because, far from being a step in the direction of democratic control, it would, under existing conditions, merely increase the power of the effendis over the illiterate masses and provide a source for the further embittering of Arab-Jewish relations." The proposal was finally abandoned because of Jewish opposition.

These two lone attempts, made at an interval of thirteen years and when conditions in the country were particularly unsettled—attempts which were, moreover, obviously inadequate to meet either the requirements of the population or the provisions of the Mandate—can hardly be considered a token of the mandatory Government's determination to depart from its colonial system of administration or to implement its obligations under paragraph 4 of Article 22 of the Covenant and article 2 of the Mandate.

The basic reasons why these attempts failed, and why the Palestine Government was becoming increasingly unpopular with the population, and becoming the target of criticism on its part, appear to be the following:

(a) The attempts were not preceded by the establishment of local self-governing bodies which would have made it possible for democratic forces to emerge and grow;

(b) Adequate political preparations were lacking, i.e. those Jewish and Arab leaders who had shown the least desire to co-operate, and who had become notorious for their extreme demands, were the ones who were called upon to state their views in connexion with these attempts.

(IV) Nor were we able to note any real effort on the part of the mandatory to carry out its obligations as regards the "encouraging of local autonomy" (article 3 of the Mandate). We were, on the contrary, obliged to observe that "tendency towards centralization," which had already struck both the Peel Commission and the Anglo-American Committee of Inquiry. It cannot be said, even now, that municipal and local council areas are governed democratically. The franchise is subject to various qualifications, including rate-paying requirements. (In the majority of municipal and council areas, the right to take part in the election of councillors is vested solely in the propertied classes. At the last Jerusalem elections in 1939 only some 7,000 out of 70,000 adults had the right to vote.) In Jerusalem, Haifa, Jaffa, and in almost all the smaller towns and villages, women are disfranchised.

The High Commissioner may appoint mayors and deputy-mayors among the councillors against the majority vote of the municipal council, as has been done in Tel Aviv. The High Commissioner is empowered to dismiss a mayor, a deputy-mayor, or a whole elected municipal council, a right he has actually availed himself of in Jerusalem as well as in nine other municipalities. Existing municipal, local and village

councils possess very limited powers. They may not expend even the smallest amount without the written consent of the British District Commissioner.

Elections to municipal councils have been postponed by the Government time and time again. In the majority of municipalities no elections have been held for the last twelve years. By the village administrative ordinance for 1944, council elections were abolished in rural Arab communities.

A further measure designed to check the democratic development of the local and municipal councils is the encouragement given to the setting up of rural councils. The Government has approved the constitution of such a rural council in Chedera; this rural council is endowed with powers similar to those of the local council. The right of election to the rural councils is enjoyed only by land-owners whose landed property exceeds a certain minimum.

(V) All this goes to show that the entire structure of the governmental system established in Palestine both at local and central-government levels was calculated to impede rather than to promote the development of any form of self-government. And the general trend of the mandatory's policy seems to have been to move away from, rather than advance towards, the goal originally set by the Mandate. This trend was reflected, above all, in the fact that Palestine, particularly in recent years, has been acquiring more and more the features of what is generally known as a "police State," in the tendency to resort with increasing frequency to emergency regulations, to restrict, and in certain spheres even to abolish, elementary civil rights and liberties, to augment the number of police officials and to invest them with ever wider powers over the lives and property of citizens, to replace judicial proceedings with police action, etc.

This general tendency developed through several stages, from the "Collective Punishment Ordinance" of 1926, through the 1938 "Prevention of Crime Ordinance" (which provided police authorities with such extensive powers that judicial action through law courts was made to appear almost illusory), and through the 1937 regulations (which authorized the seizure and use of building and road transport, the imposition of curfews, censorship of the Press, the deportation of undesirables, and very far-reaching rights to search, arrest and impose collective fines) up to more recent emergency legislation under which orders of detention may be issued against any citizen on the authority of an area commander, these orders not being reviewable in a court of law. While censorship for war purposes was abolished on 31 October 1945, compulsory censorship before publication of the local Press has been retained, and a separate Press Censorship Office has been constituted in the Secretariat. Requests for *habeas corpus* have been rejected by the Palestine judiciary on the grounds "that the District Commissioner's powers under the regulations are absolute and that he is not obliged to give any reasons when acting thereunder."

Budgetary expenditure on the maintenance of law and order has been increasing correspondingly. In the period between 1920 and 1945, this expenditure totalled £.P.43,352,000,¹ while expenditure on all other services amounted to £.P.96,268,000 including £.P.22,252,000 on special measures arising out of the war. The 1947-1948 budget estimate provides for a £.P.7,000,000 expenditure on police and prisons out of a total expenditure of £.P.24.5 millions, or 30 per cent of the total as compared with 25 per cent two years earlier.

Despite all these stringent regulations, however, despite the vast and ever-mounting expenditure on the maintenance of law and order, we were unable to note that any progress in this field had been achieved since the days when the Peel Commission remarked that "the elementary duty of providing public security has not been discharged."

(VI) The failure to carry out obligations under articles 2 and 3 of the Mandate is usually explained by the mandatory by the fact that the Palestine Mandate possessed some specific features which distinguished it from other Class A mandates—i. e. the obligations relating to the setting up of a Jewish National Home in Palestine—and that these specific obligations made it impossible, in view of prevailing conditions in Palestine, to implement the other obligations, of a more general nature, deriving from the same Mandate. This is the well-known theory of "dual obligations" which, while having equal weight, are said to be mutually contradictory, to have resulted in the impossibility of fully carrying out both obligations at one and the same time, and to have rendered the Mandate generally unworkable. Thus, the mandatory contended that, in endeavouring to implement its obligations regarding the establishment of a Jewish National Home, it could not help but neglect somewhat the provisions of the Mandate which enjoined it to develop self-governing institutions (which in a country with an Arab majority, the mandatory alleged, would obviously have frustrated any attempt to put into effect the policy embodied in the Balfour Declaration). Vice-versa, it has always been maintained that the obligations towards the Arabs precluded the possibility of fully abiding by the Jewish National Home policy. We shall quote two authoritative British Government policy statements by way of illustration.

In 1922, in replying to Arab criticism of the Legislative-Council proposal, the British Colonial Office asserted that "His Majesty's Government . . . cannot allow a constitutional position to develop (i. e. grant genuine self-governing institutions) in a country for which they have accepted responsibility to the Principal Allied Powers which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies."

About twenty five years later, the Secretary of State for Foreign Affairs explained his Govern-

¹ Palestine pounds.

ment's attitude to Jewish immigration in the following terms: "There is nothing in the Mandate which would warrant me or the British Government taking a step to deprive the Arabs of their rights, or deprive them of their liberties, or deprive them of their land."

Thus, according to the mandatory Power, the failure to implement the Mandate was due to the fact that the obligations it contained were irreconcilable; and they were rendered irreconcilable because of the state of relations between Arabs and Jews, because Arabs and Jews persisted in their hostility towards each other's aspirations and refused to co-operate. The Mandate thus became unworkable.

We do not feel that either the terms of the Mandate or the history of its operation, lend substance to such an interpretation.

Without entering into a detailed legal analysis of the terms of the Mandate in order to ascertain whether the different obligations are in fact of equal weight, or whether greater moment should be attached to some at the expense of others, we should merely like to call attention to some of the more fundamental aspects of the matter. In the first place the terms of the various mandates, including the Palestine Mandate, are or are presumed to be, merely an application of the general provisions of Article 22 of the Covenant (which is considered the fundamental, "organic" law of the mandate system) to the particular conditions of the various mandated territories. It is obvious, therefore, that an international instrument, the purpose of which is to implement another international instrument, antecedent thereto, shall not be inconsistent with or repugnant to, the latter. Otherwise, it would necessarily have to be deemed *ultra vires* and invalid. Such specific provisions as the Mandate may possess are, therefore, to be viewed in the light of, and subordinated to, the basic purposes of the mandate system. This is confirmed by the authoritative opinion of the Chairman of the Permanent Mandates Commission, Marquis Theodoli, who pointed out at the Commission's session in June 1930 that "in considering the two parts of the Mandate . . . it was necessary to bear in mind the fundamental principle of all mandates. The purposes of the mandates, as described in Article 22 of the Covenant, was the development and welfare of the inhabitants of the mandated territory." As regards the theory that the two sets of obligations were "irreconcilable" we may refer to the pronouncement made by the Commission itself at the same session, to the effect that the two obligations imposed on the mandatory were in no sense irreconcilable.

Nor are we in a position to accept the point of view that it was the inimical attitude of Arabs and Jews towards each other which made it impossible to carry out the provisions of the Mandate. On the contrary, the entire history of the mandatory regime seems to corroborate the opinion, expressed in the report of the Anglo-American Committee of Inquiry, that "the failure of the mandatory to develop self-governing institutions, a responsibility enjoined by the

terms of the Mandate, had resulted in an even greater division between the Jews and the Arabs."

It was the non-implementation of the basic obligations deriving from the Mandate which made it impossible to carry into effect all the other, more specific obligations, in a satisfactory manner. It was the absence of self-governing institutions, the failure to develop the country along democratic lines, which prevented the creation of conditions in which the two peoples of Palestine might have come together and settled all outstanding questions, including those pertaining to the Jewish National Home. How can people be expected to co-operate when there is no responsible governing body for them to co-operate in? How can they be expected successfully to bridge the gulf which had been dividing them, when a third party is constantly stepping in between them in the role of an arbiter? How can genuinely democratic forces, the forces alone capable of achieving co-operation and progress, be expected to come to the fore, when the existing backward relationship of social and political forces is "frozen" under a Crown-Colony type of government? In the words of the recent statement of British policy known as the Bevin Plan: "The two peoples of Palestine could not live in harmony as long as Government was imposed from without."

We therefore cannot but agree with Mr. Ben-Gurion when he says that: "The mandatory in Palestine failed not because Jews and Arabs did not co-operate, but because the mandatory refused to co-operate with the Mandate."

(VII) Whatever differences of opinion may exist as to why the Mandate has failed, opinion is practically unanimous that it has failed. This has been recognized by the mandatory itself.

It is quite obvious, moreover, that the Mandate has become an insurmountable obstacle to the further peaceful development of Palestine, that its continuance would mean a constant and rapid deterioration of conditions in the country and would make any future settlement of the problem even more difficult than it is today.

D. THE PRESENT SITUATION IN PALESTINE

i. Since the Arab uprising against the mandatory in 1936-1939, relations between the Arabs and the mandatory have remained in a state of latent crisis. Certain symptoms to be discerned in the Arab Press, in speeches delivered at public meetings as well as in political life in general, indicate that this tension is threatening anew to flare up into an open conflict. According to the statements of prominent Arab politicians and those of spokesmen of the Palestine Government, there are signs that such a conflict is brewing. The High Commissioner himself pointed out in this connexion, in his address to the Special Committee, that arms traffic was going on and that it was impossible to control the frontiers and prevent such traffic.

The political basis of the conflict between the Arabs and the mandatory Power is to be sought

in the fact that the Palestine Arabs demand the abolition of the Mandate, the withdrawal of British troops and the proclamation of Palestine's independence, while the policy of the mandatory results in a continued delay in the fulfilment of these demands.

2. There is, on the other hand, a profound antagonism between the Jewish population and the mandatory. The Jewish community in Palestine has grown into a powerful community possessing all the features of a developed national group and claiming statehood and independence; as such, it has come into conflict with the policy of the mandatory. This tension has, since the conclusion of the Second World War, been gradually acquiring the character of an armed conflict. The actions of Jewish underground groups, directed against the mandatory, are meeting with the approval of wide sections of the Jewish population precisely because they are directed against the mandatory, and regardless of the motives which the underground leaders themselves ascribe to such actions and regardless of the subsequent reprisals. According to the mandatory itself:

"The Jewish community of Palestine still publicly refuses its help to the Administration in suppressing terrorism on the ground that the Administration's policy is opposed to Jewish interests."

3. The measures which the mandatory is taking for its own protection are evidence of the relations existing between the Government and the population.

Jerusalem itself has been divided into a number of security zones; it is intersected by long rows of barbed wire, studded with machine-gun nests; armoured cars circulate through the streets as do groups of soldiers with their weapons at the ready.

Throughout the country, the buildings housing Administration offices or accommodating British officials are encircled with barbed wire and are guarded by soldiers. No guards have, on the other hand, been posted before the premises of either Jewish or Arab organizations, before the homes of Jewish and Arab politicians, or in front of Jewish and Arab firms.

Alarms and curfews have become a part of the daily routine in Jerusalem and in the other large towns. While the United Nations Special Committee on Palestine was holding its hearings in Jerusalem, there were days when the alarm was sounded two or three times. Columns of armoured cars and tanks cruise along the roads throughout Palestine. On some of the main roads, traffic has been restricted to certain hours of the day. Encircled with military camps, Palestine itself has been turned into one large armed camp.

The frequent proclamations of martial law, the setting up of military courts and the wide powers which various ordinances have granted to the military commanders in the areas under their command have resulted in the last vestiges of individual and political liberties being abandoned to the arbitrary action of the various

military commanders. The application of collective punishments, and even of such obsolete and shameful punishments as flogging, offer further evidence of the fact that what we have in Palestine is not merely "a severe military enforcement of order" but a conflict between the mandatory and the people. All the measures we have just mentioned are usually characteristic of the attitude a conqueror adopts in a conquered country.

4. Lacking both the confidence and the support of the Palestine population, the mandatory Power has been increasing its military and police force from year to year. In 1946 there was one policeman or soldier to every eighteen inhabitants. In 1947 their number has been further augmented, so that there is today one policeman or soldier to every thirteen inhabitants.

5. In connexion with these and similar measures, an ever-growing part of Palestine's budgetary expenditure has been allocated by the mandatory for purposes defined as "maintaining peace and order," which means for the safeguarding of its own position in Palestine. In 1946-1947, £.P.6,520,000 or 27.5 per cent of the entire budget was spent on the maintenance of the police forces. In 1947-1948, the budget provides for an increase of expenditure under this heading to £.P.7,000,000 or 30 per cent of the total expenditure.

6. That both the political and the military struggle are being waged against the mandatory, that it is the latter which is most directly threatened, is manifested by the fact that, according to official figures, the number of casualties suffered by the mandatory has been greater than that sustained by either the Arabs or by the Jews. Despite the barbed wire, the curfews, the prohibited zones and other security measures, the mandatory sustained casualties of one hundred and sixty-four dead and three hundred and ninety-four wounded in the period from 1 August 1945 to 31 March 1947.

7. The strained relations between the mandatory Power and the population of Palestine are reflected in the absence of any form of democratically elected government, in the sphere of either central or local government; this applies to both the Jewish and the Arab sections of the population. The executive, legislative and judicial authority, in fact all levels of authority, are concentrated in the hands of the mandatory, or, more precisely, of the High Commissioner.

8. Economic life in Palestine suffers greatly from existing conditions. One-third of budgetary expenditure is allocated to the maintenance of police forces, while not even a twentieth part goes to promote education, public health, or agriculture, etc. Trade has been greatly reduced owing to the disruption of the communications system caused by the cutting off of various towns and areas, as a consequence of restrictions imposed by martial law and of underground activities. Last year alone, over a million cases of citrus rotted in the ports because the situation prevented their being shipped.

The crops from 15,000 dunums of citrus groves remained unpicked because military operations prevented farmers from going to their fields. The workers of Palestine were most directly affected by such a state of affairs because the cutting off of certain zones brought unemployment to tens of thousands of workers during certain periods, while thousands of others were obliged to go to and from their work at the risk of their lives.

9. There are reasons to believe that the maintenance of such large armed forces is not prompted only by the difficult situation within the country. Toward the end of the negotiations conducted in London in September 1946 between the representatives of the States which are members of the Arab League and the British Government, the British representative asked whether the Governments of these countries were prepared to recognize British interests in the security of the Near East and whether the independent State of Palestine (when created) would conclude a military agreement with Great Britain. Some of the Arab representatives replied to this question in the affirmative. On the other hand, Dr. Nahum Goldman of the Jewish Agency said that Zionists would afford Great Britain full rights for military, naval and air bases in Palestine in return for an agreement establishing a viable Jewish State comprising the area of the Jewish State as recommended by the Royal Commission plus the Negeb. The presence of British troops has thus become an element in the policy of certain Arab and Jewish leaders who view the realization of their own plans in the light of concessions to the British imperial military scheme. In considering the liquidation of the Mandate, the mandatory is guided by the interests of its imperial military scheme which, in the forthcoming period, would find a new framework, that is, a military agreement made before the creation of an independent Palestine, before the peoples of Palestine have an opportunity freely to express their opinions in this regard.

10. The mandatory and the leaders of some of the interested parties attempt to explain the present situation in Palestine as resulting from the conflicting attitudes of the Arabs and the Jews. The hegemonic designs of certain Arab and Jewish politicians are generalized and made to appear as proof of the irreconcilable hostility between the Arab and Jewish peoples in Palestine. The very policy of the mandatory, on the other hand, has shown itself to be connected in more ways than one with the insistence of certain Arab and Jewish politicians upon their conflicting claims. As a result of this policy, the opposing claims of certain Jewish and Arab leaders have become and remain one of the outstanding features of political life in Palestine.

The wide scope allowed to chauvinistic agitation of both an anti-Jewish and an anti-Arab nature has formed the framework within which serious crimes are being perpetrated against the common interests of both peoples and of

co-operation between them. The attacks of the chauvinistic Arab Press are not directed only against individuals but against the Jewish people as a whole, their aspirations and their efforts in the economic and social fields. The Jewish reactionary is free to propagate the idea of absolute Jewish domination over the whole of Palestine without any regard for the fundamental interests of the Arab population. Chauvinistic occurrences of this kind take place frequently without resort by the mandatory to the measures with which it is invested for the purpose of maintaining law and order and for safeguarding the peace.

Several crimes, the victims of which were persons who had endeavoured to bring the two peoples of Palestine together, have been committed. Among the victims were Fawzi el Husseini, a prominent Arab representative of the group which is working for Arab-Jewish *rapprochement*, who was murdered, and others. The criminals, however, have gone undiscovered and unpunished.

Propaganda in favour of the economic boycott is conducted at public meetings and through the Press. Such propaganda, coupled not infrequently with threats from which the Palestine population does not feel that it is protected, has led to truly serious consequences. The Arab boycott was accompanied by counter-measures on the part of the Jews. Trade between Jews and Arabs, which after 1935 had reached a sum amounting to several million Palestine pounds (the Arabs bought goods worth £P.850,000 in 1935 and worth £P.8,000,000 in 1943; the Jews bought goods worth £P.2,500,000 in 1943, i.e. three times more than in 1935) has now dropped to less than half of what it had been.

11. The instances mentioned above show that what is here involved is a deliberate and planned effort to deepen the gulf between the two peoples of Palestine. The fact that such drastic and pernicious measures are finding application in the settling of relations in Palestine has been rendered possible by the lack of democratic conditions for the settlement of Arab-Jewish relations. Both the Zionist and Arab leaders have failed to make the necessary efforts to create an atmosphere of mutual confidence in their relations. Owing to the absence of self-governing institutions, it has been possible for the hegemonic leadership of both sides to put forth and persistently maintain quite conflicting claims without this leading to an immediate and complete breakdown in the economic and social life of the country and in the activities of the administration, and without having to bear adequate responsibility for the harm done to the public interests of the country.

12. The peaceful daily co-operation between the two peoples and the rapid strengthening of the parties and organizations which are working for a solution of the Palestine problem on a basis of mutual respect between, and of equal rights for, the peoples of Palestine are the foundations for the equitable settlement of Arab-Jewish relations. On the Arab side there is the

National Liberation League, the League of Intellectuals, the trade union movement; on the Jewish side there is the Hashomer Hatzair, Ihud, the Communist Party, and the League for Arab-Jewish Rapprochement, which are the leading forces represented in this trend. The efforts of these parties and their development are meeting with very considerable obstacles because of the policy of the mandatory, and especially because of the fact that there are no democratic and self-governing institutions in existence in Palestine today. These forces are obviously handicapped in the present situation since they are deprived of the possibility of influencing, through freely-elected self-governing institutions, the policy of the government and of contributing their share in accordance with their influence on, and prestige among, the population. The fact that these forces are gaining in strength daily, even under such unfavourable circumstances, shows that their strivings correspond to the interests and aspirations of the population, and that they are increasingly becoming one of the decisive factors in the development of Palestine.

E. BASIC PRINCIPLES AND PREMISES FOR THE SOLUTION OF THE PROBLEM

1. In analysing the various possible proposals regarding the future government of Palestine, I feel that one should pay particular attention, in addition to the theoretical forms and the substance of such a future government, to the specific features of the problem we are dealing with. Above all, one must bear in mind the fact that the population of Palestine consists of two peoples, the Arabs and the Jews.

2. From this fact, which nobody denies, arises the most important task we have to face in settling the Palestine problem.

The most important task confronting us is undoubtedly that of regulating relations between the Arab and the Jewish peoples in Palestine, where they are living together.

3. This approach to the most important task involved in the settling of this problem which is itself a result of historical development—a task which is definitely based upon the terms of reference our Committee has been given by the General Assembly of the United Nations—clearly points to the limitation contained in the terms of reference, that is, to the fact that we are not dealing with a solution to the Jewish problem in general which exists, and in so far as it exists in the world.

4. Bearing these facts in mind, regardless of our appraisal of international developments in the course of the First World War, the inter-war period, and the Second World War and its aftermath, we must give due consideration to another specific feature of the problem:

(a) Present ethnical conditions in Palestine and the numerical relationship between the Arab and the Jewish population are largely a result of the immigration of individuals and families belonging to the Jewish people who

hitherto had been living in other countries, as well as a result of the considerable population increase which is characteristic of the Arab people living in Palestine.

(b) There exists among the Jewish people, no matter where they live, a great and deeply rooted striving for the establishment of a Jewish National Home in Palestine; this striving is largely responsible for the achievement of their national and political unity within the Zionist organization and has been considerably strengthened by the terrible persecutions and the extermination to which the Jewish people have been subjected by aggressive and criminal nazism in the course of the last war and, to a certain extent, even since its conclusion.

(c) Some 800,000 individuals and families of Jewish people, whose place of origin is certain European countries, are living as displaced persons in concentration camps in Germany, Austria, Italy and Cyprus; although their conditions are, objectively, more or less difficult, more or less favourable, all these people are in a state of great moral, psychological and psychic depression. A very high percentage of these Jews (nearly one hundred per cent) wish to join the Jewish people in Palestine and to start a new life in the Jewish National Home already established in that country.

(d) Under the White Paper of 1939, which is still in force, there is a legal immigration of 18,000 per annum into Palestine. One-half of this number come from concentration camps in Europe, and the other half are taken from the Cyprus concentration camp; to their number must be added those immigrants who enter the country on the basis of duly issued certificates.

5. These facts, as well as the limitations referred to in paragraph 3, make it imperative to establish an objective criterion upon which to base our considerations and conclusions regarding the question of the immigration of Jews into Palestine.

The question of settling relations between the Arabs and the Jews in Palestine, a question which has acquired international significance, is the most important aspect of the Palestine problem as well as of the problem of the future fate of Jews in camps for displaced persons (which problem, together with that of persons of other nationalities possessing a similar status, has acquired international significance). These two problems have a certain measure of mutual interdependence, as is the case with all international questions in general.

That is why the objective criterion just mentioned is to be found in this degree of interdependence, on the understanding that the essential task remains the regulation of relations between the Arabs and Jews living in Palestine, which is their common country.

6. As the population of Palestine consists of two peoples, the preliminary question naturally arises as to the rights which are to be recognized as belonging to those peoples forming the population of Palestine. As regards this question, and on the basis of an analysis of historical

facts, I fully accept the point of view that both these peoples, the Arabs and the Jews, have historical roots in Palestine, in other words, that Palestine is the homeland of both these peoples and that they both play an important part in the economic and cultural life of the country. In view of these facts and of existing conditions in Palestine and among its population, the surest means in achieving the fundamental goal—that is, the regulation of relations between the Arab and the Jewish peoples living in the country—is for these two peoples to reach an understanding.

7. In so far as there is no such understanding at the present time owing to conditions inside the country, to influences which have been and are being exerted, to the extreme attitudes of the national fronts which have appeared there and to the feelings which have either taken shape naturally or have deliberately been fanned, and if such an understanding is not to be expected under present conditions, we should all the more be guided by motives of a purely objective character in considering and solving the problem we have before us, by motives based on realities and on democratic principles which have been confirmed by history. For, this is the surest method of creating fundamentally changed conditions which will make it possible for the two peoples to reach an understanding regarding the proposed solution, and subsequently to come to an agreement on all questions arising from their life together in their common State. This method is all the more essential if the proposed solution involves the moral and political prestige of the United Nations.

8. The right of independence, freedom and self-government is a fundamental democratic right of every people. One of the basic elements of the proposals put forward for the solution of the Palestine problem must provide for the termination of conditions which have, against the will of the Palestine population, rendered it impossible for the peoples of the country to develop self-government and achieve the independence of their country.

Therefore, in considering the different principles and premises on which the solution of the Palestine problem is to be based, I reject the point of view that self-government and independence for Palestine should be put into effect solely by means of international measures which are now being taken. I consider, on the contrary, that these will have been achieved through the consciousness which the Arab people have displayed and the struggle they have waged through many decades, and of the consciousness and struggle of the Jewish people in more recent years; and I consider that the international action which is now in progress is only a means whereby these existing conditions are to be acknowledged and a solution found, if possible, by peaceful means.

9. In so far as it shall be necessary, for reasons of a technical nature, to establish a transitional regime in order to implement the decisions concerning the recognition of the independence of

the peoples of Palestine, this regime should be limited to the shortest period possible and should be confined to the most indispensable co-operation required for putting the decisions into effect.

Such a point of view precludes any possibility of the continuation of the Mandate in any form whatsoever or of the establishment of any kind of trusteeship. This point of view requires the General Assembly of the United Nations to set up, under the provisions of the Charter, an *ad hoc* body responsible to the United Nations which will be entrusted with the above task.

10. The granting of equal, individual rights—civil, political, religious and cultural—to all the inhabitants of Palestine will constitute a further step in the application of democratic principles under the proposals for the solution of the Palestine problem.

11. In view of the specific aspects of the problem, referred to in paragraph 1, what is here involved is not merely the equality of the inhabitants of Palestine in respect of individual rights, but also equal rights for the Arab and Jewish peoples in their common State. This is based on the acknowledgment of both historical and existing facts since both peoples have historical roots in the same country; there can be no question of majority rights or minority protection.

Concepts such as sovereignty, the right of self-determination, the right to self-government, independence and freedom, are the fundamental democratic principles which should guide us in dealing with peoples and their territories. However, for the very reason that we are dealing with peoples and their territories, and in order correctly to apply these basic principles, it must be borne in mind how essential it is to ascertain whether only one people has its historical roots in this territory, or whether there is a second people which also has its historical roots in this territory and lives there. What we have here is the latter case. Thus, in this particular case, all the rights referred to are vested in both peoples concurrently. The democratic principle of majority and minority is by no means affected here, because it will still find expression in the social and political life of the country; that principle cannot, however, nor should it be allowed to, become instrumental in whittling down or jeopardizing these fundamental democratic principles and rights, which belong to both peoples in their common territory and in their common country.

The basic assumption for such a conclusion is the historical and dynamic development of every national community in the spheres of state, political, social and economic life. However, contrary to these assumptions, which do not require proving, should we be justified in expecting that something else, something exceptional, will occur in Palestine—that some sort of static conditions will prevail, that the future development will be marked by stagnation instead of the normal process of political differentiation in any form of economic progress—

then, such an exceptional case would be something *sui generis*, something wherein, contrary to human experience hereto, some kind of other factors are in operation. Such exceptional conditions would require an exceptional solution.

Should the existence of such highly improbable and exceptional static conditions be ascertained after some time in the national, social, political and economic life of the country, then, as regards Palestine and the future of its people, we must resort to that democratic principle which may be considered the highest achievement of progressive human thought. I am referring to the right of secession.

12. An essential premise on which our considerations of the problems and solutions should be based is the unquestionable fact that Palestine, within its present frontiers, constitutes an economic unit.

13. The proposal put forward and the solution of the problem which may possibly be based on such a proposal should, both in general

outline and in detail, be of a nature to promote, above all, peaceful life and development in Palestine, and peace—both peace in the area of which Palestine is a part and world peace.

14. In view of the historical fact that Palestine as a whole constitutes, in the eyes of millions throughout the world, a high spiritual value because it contains the Holy Places, some kind of *corpus separatum* with an international control consisting of representatives of the United Nations and of all the religions concerned should be established.

* * *

On the basis of such considerations, fundamental principles and premises, bearing in mind existing realities in Palestine, and prompted by a sincere desire to achieve a just and lasting solution of the problem and to settle correctly relations between Arabs and Jews in their common homeland, I have decided to propose a federal State, based on the equality of the Arab and Jewish peoples in a free and independent Palestine, their common State.

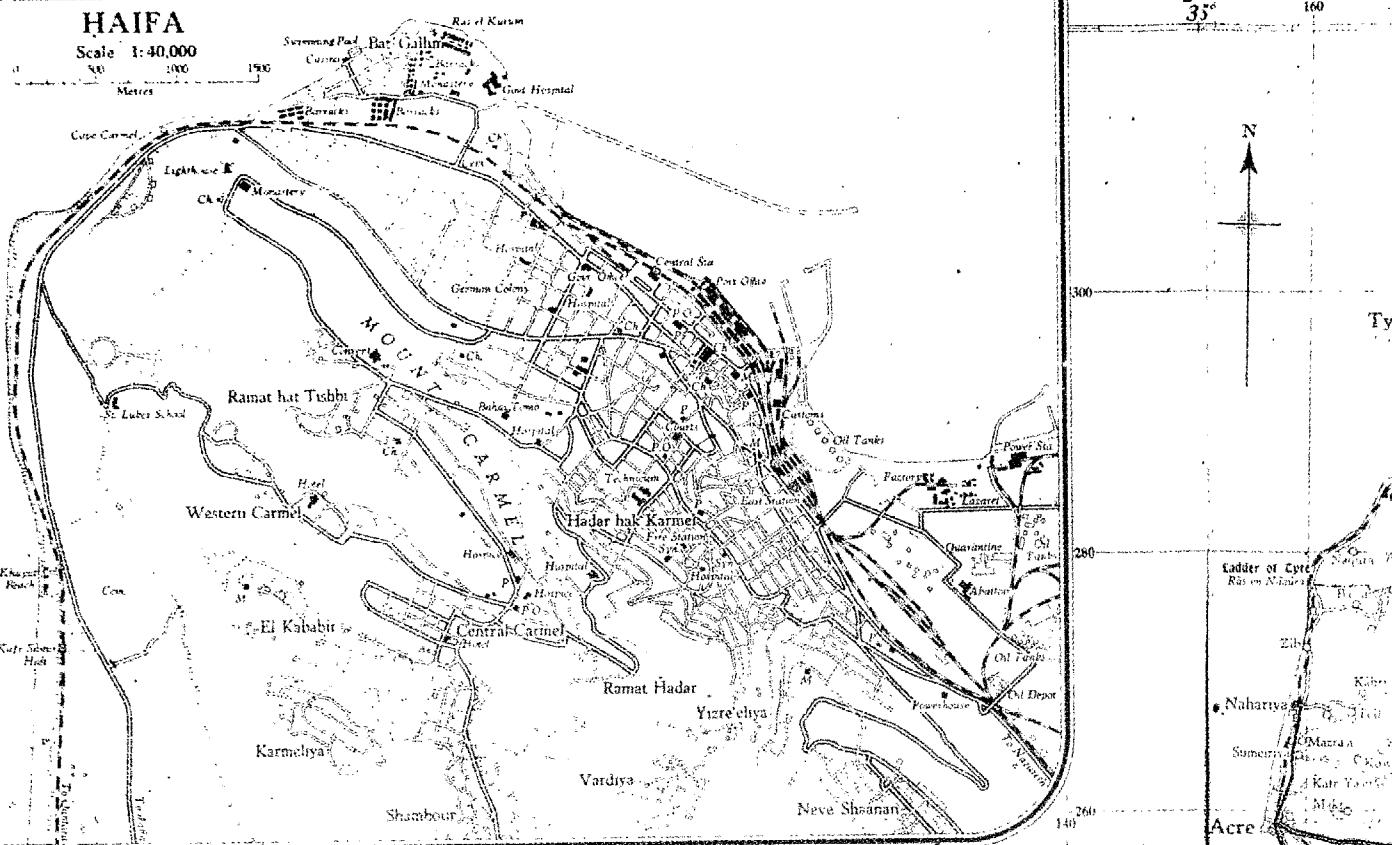
MOTOR MAP

(1947 EDITION)

SURVEY OF PALESTINE

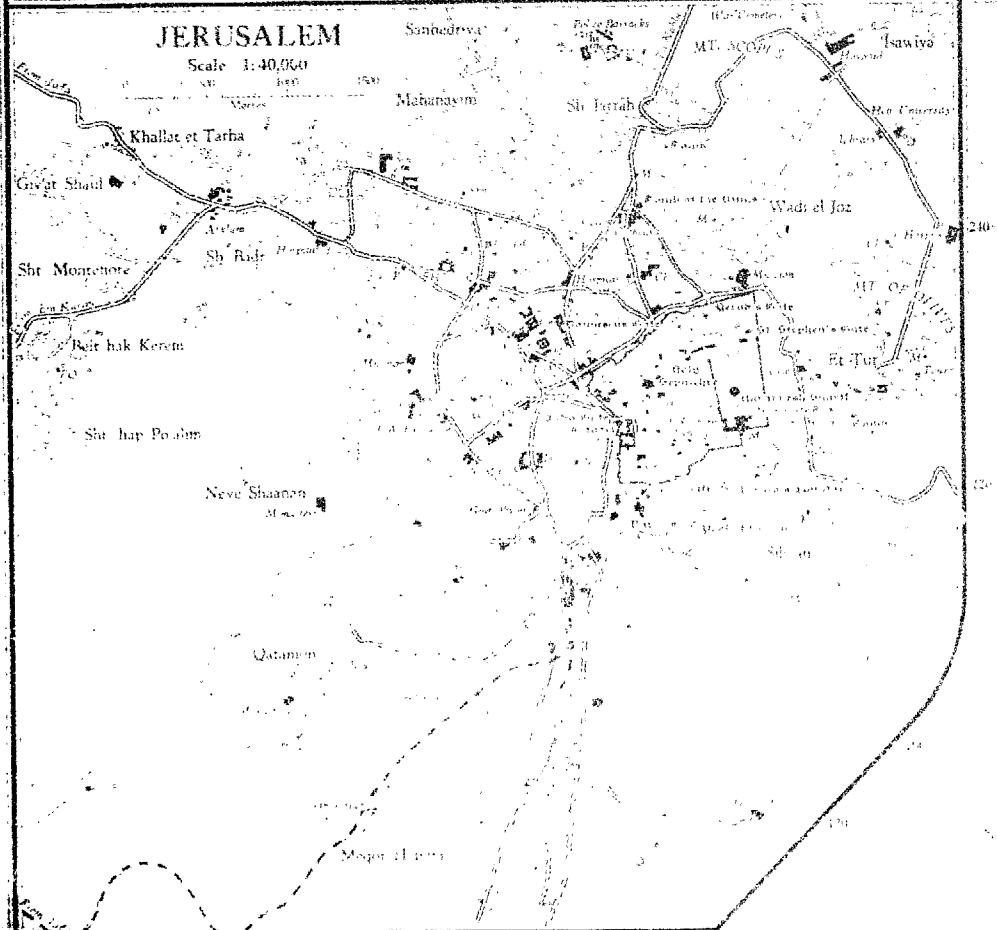
HAIFA

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JERUSALEM

Scale 1:40,000



JAFFA & TEL AVIV

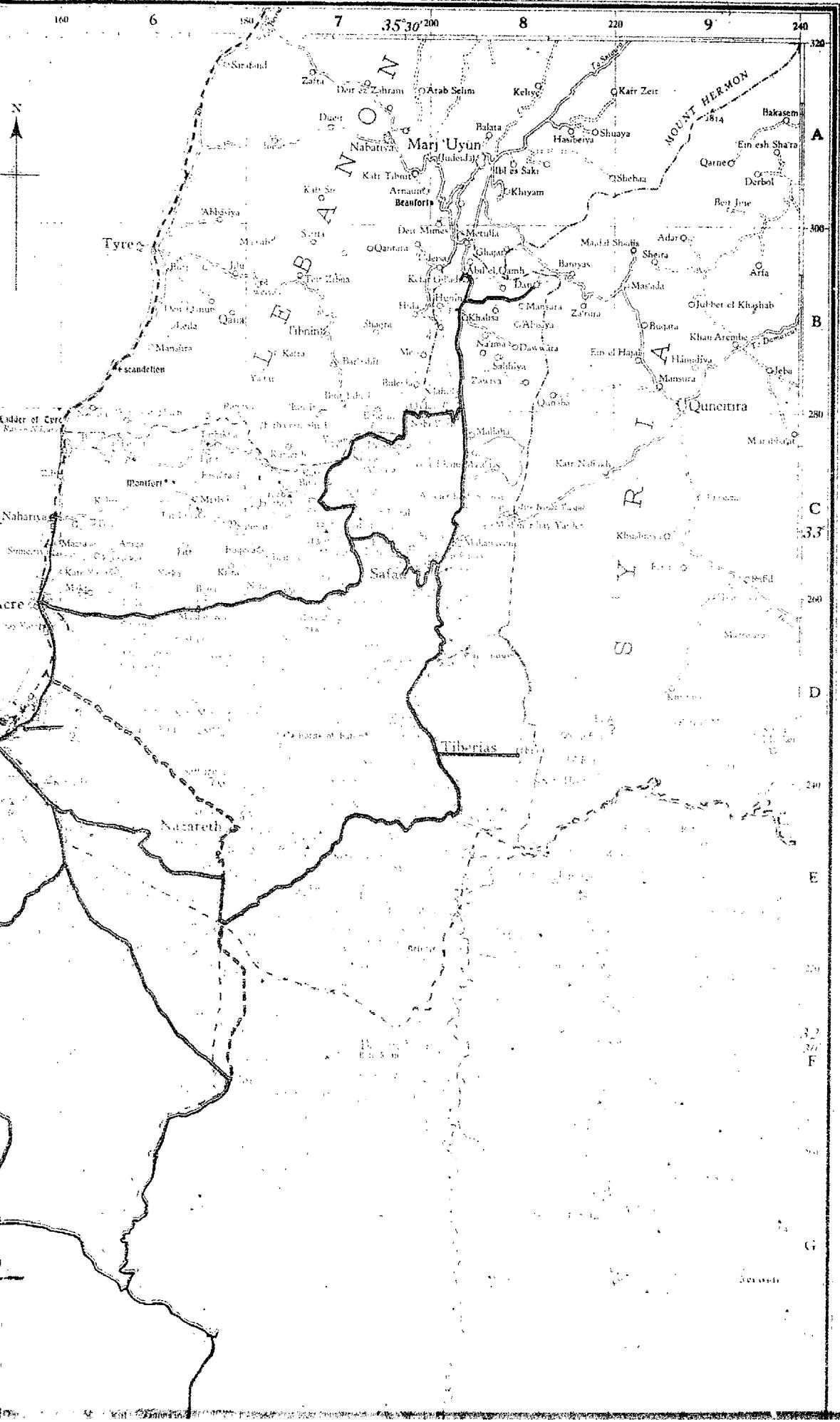
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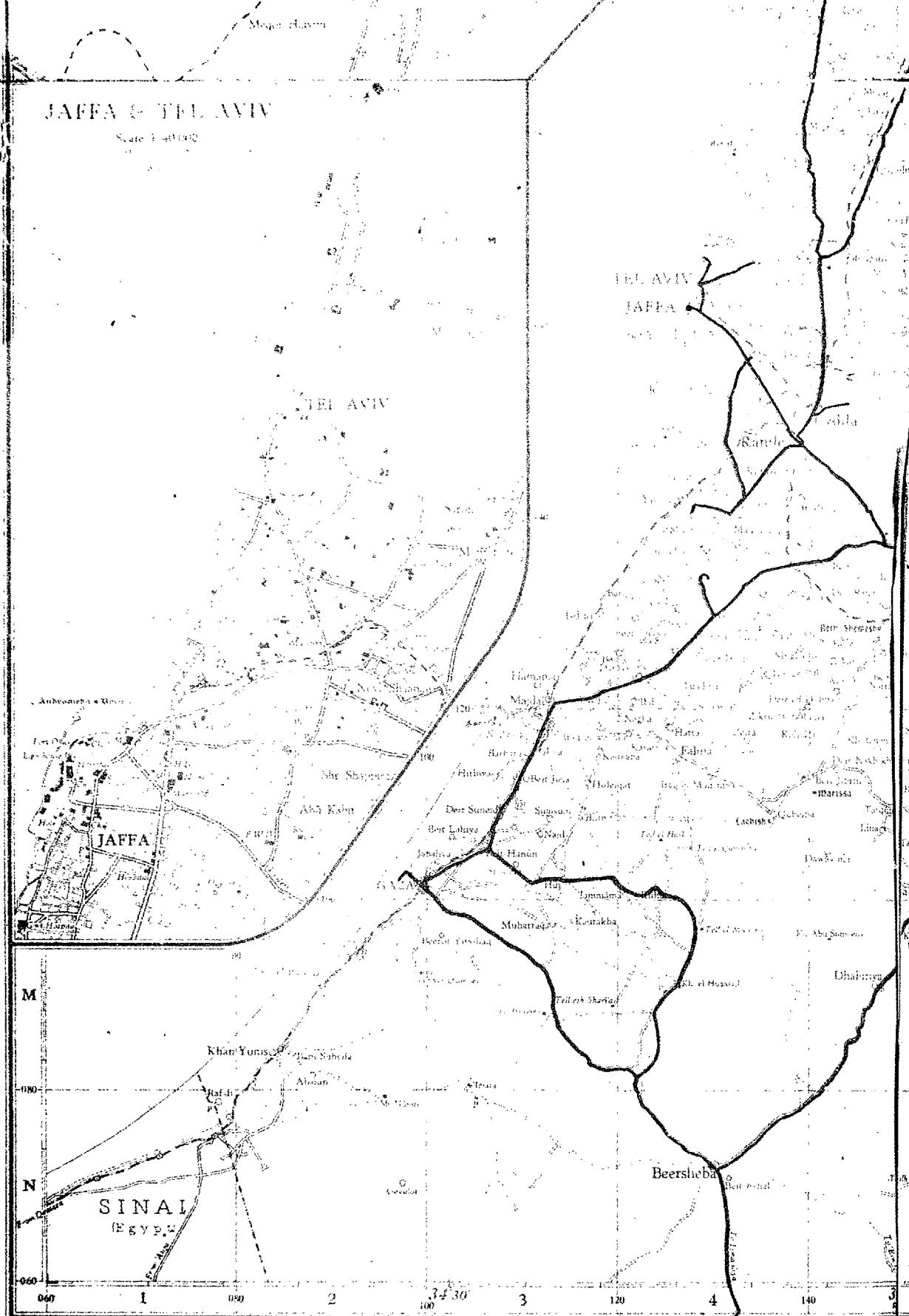
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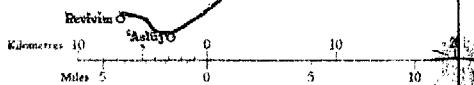
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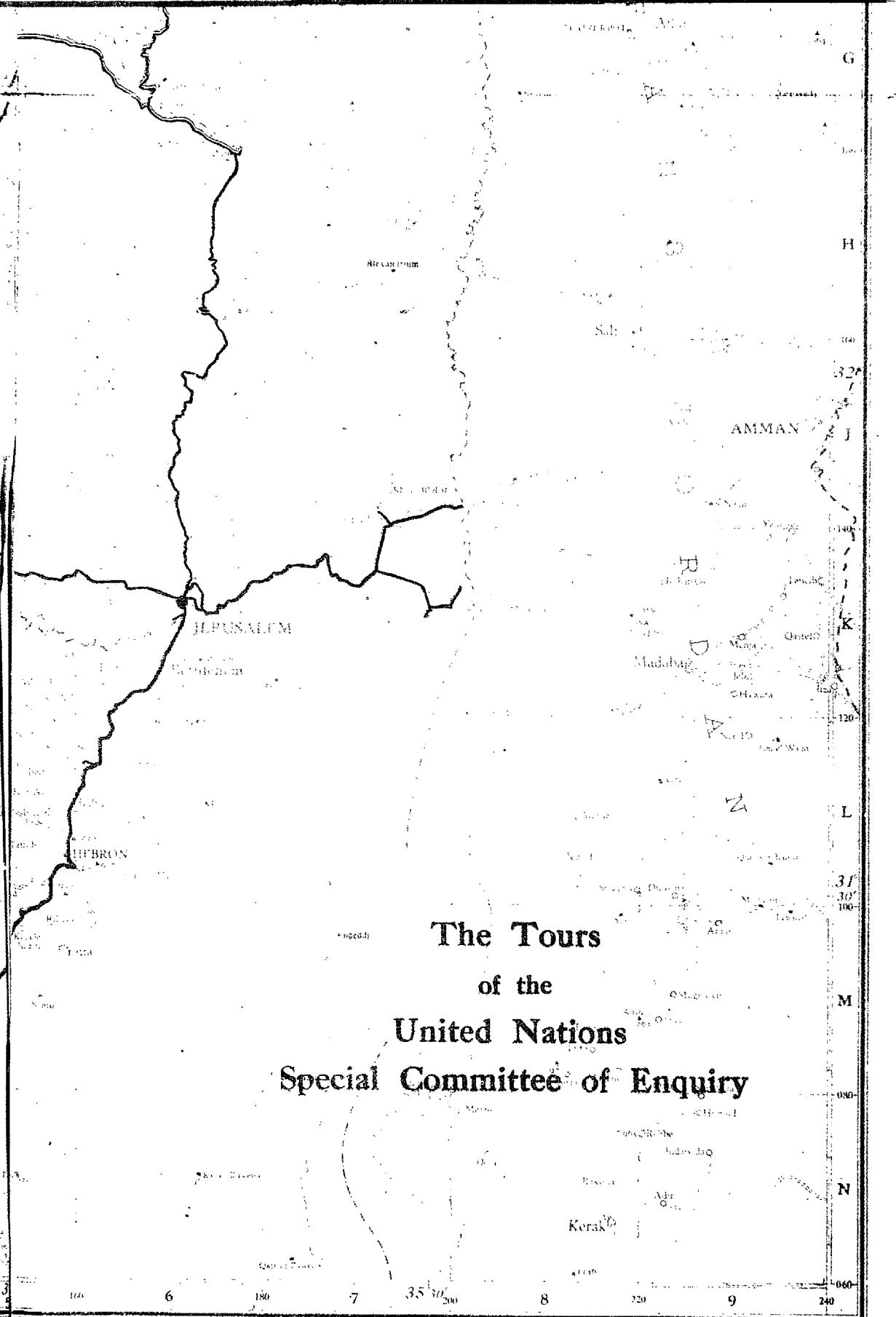


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Redrawn April 1940.



On the town insets the principal motor routes are shown in bold lines. No gradient on the principle roads.

The grid squares on this sheet for convenience of reference, have been lettered



**The Tours
of the
United Nations
Special Committee of Enquiry**

Overprinted by the Survey of Palestine August 1947

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Scale	40	50 Kilometres	50 Miles
Metric	25	50 Kilometres	31 Miles
Airfield antiquities of interest	Acre	Post Office	P.O.
Administrative areas	Beisan	Police Sta., Post	Church
All Air-raft Landing Grounds	Gaza	Cemetery	Mosque
Military & Emergency Landing Grounds	Jerusalem	Com.	Synagogue

Palestine Customs Posts
Palestine with International car papers M.G.T. stamp at Customs Posts

Roads exceed 1 in. 6 1/2. Road information is not guaranteed as conditions are liable to change.

Entered in the margin. Thus, Jerusalem may be located in being in square K. 6.

at outside the country to the S. W. The position of a point may therefore be defined by measuring or estimating its distances

Best Copy Available

PALESTINE PLAN ON PARTITION WITH ECONOMIC UNION

SKETCH MAP

(MAJORITY PROPOSAL.)

Reference: Chapter VI, Part II)

Arab State

Jewish State

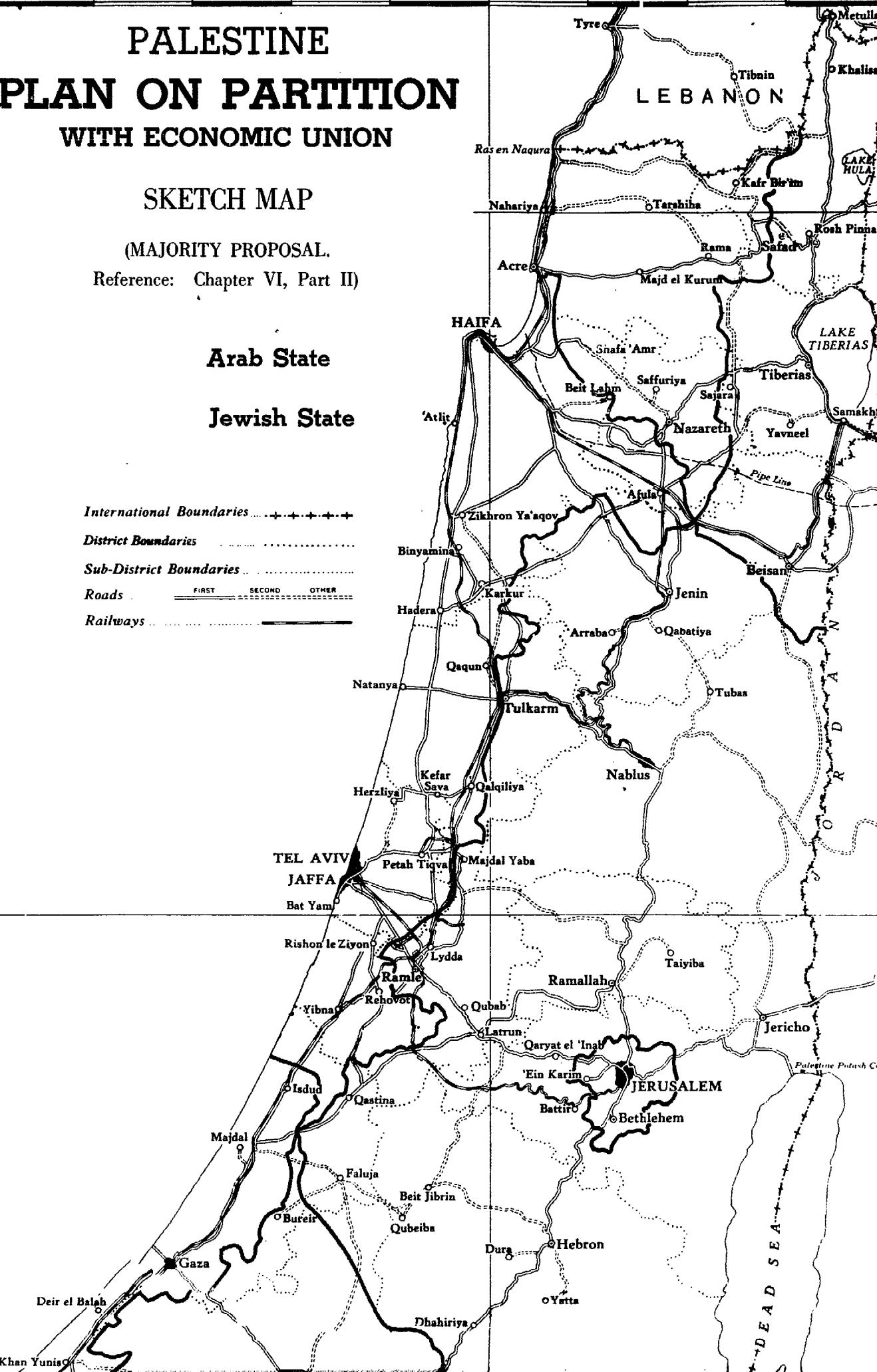
International Boundaries

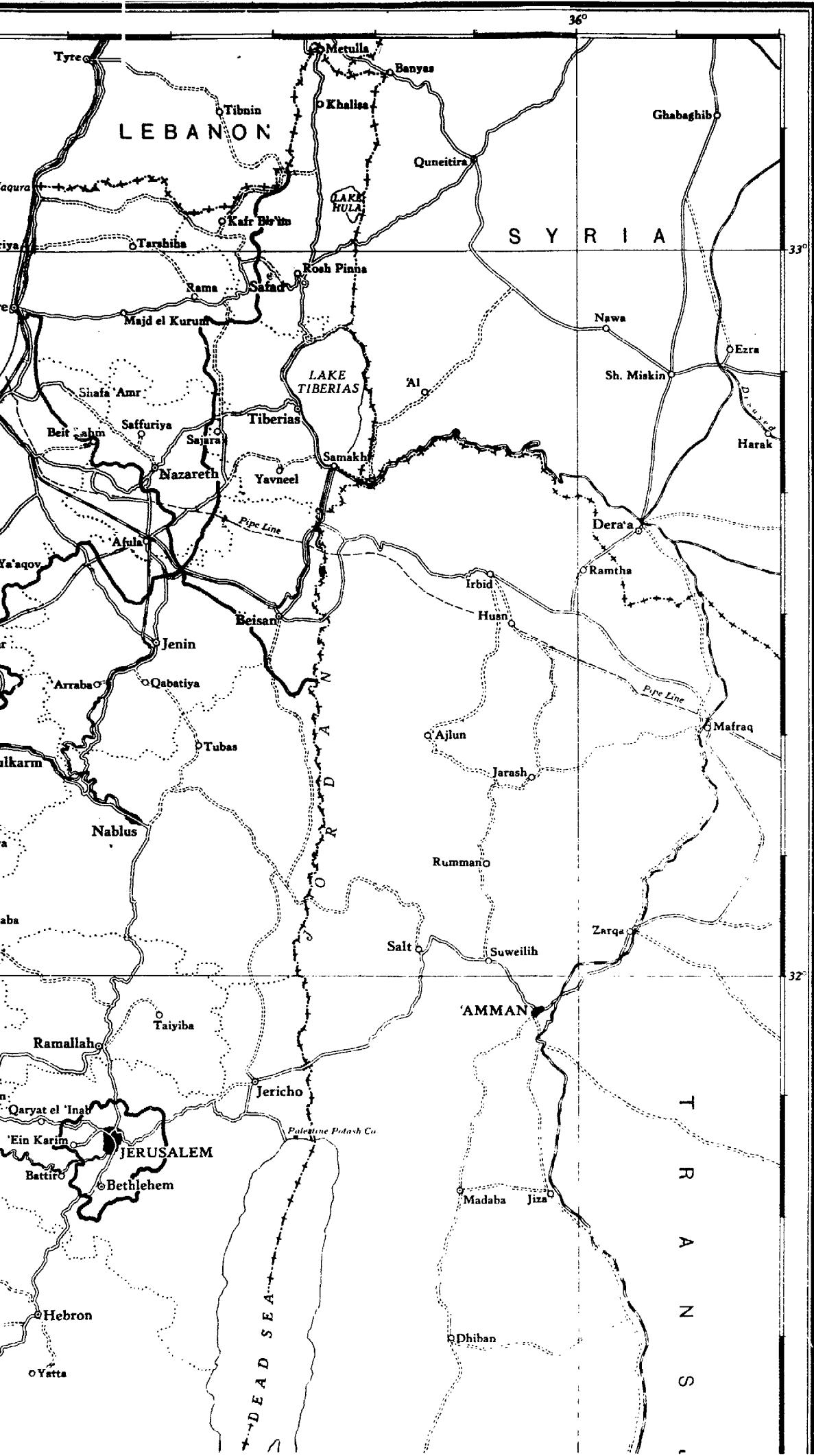
District Boundaries

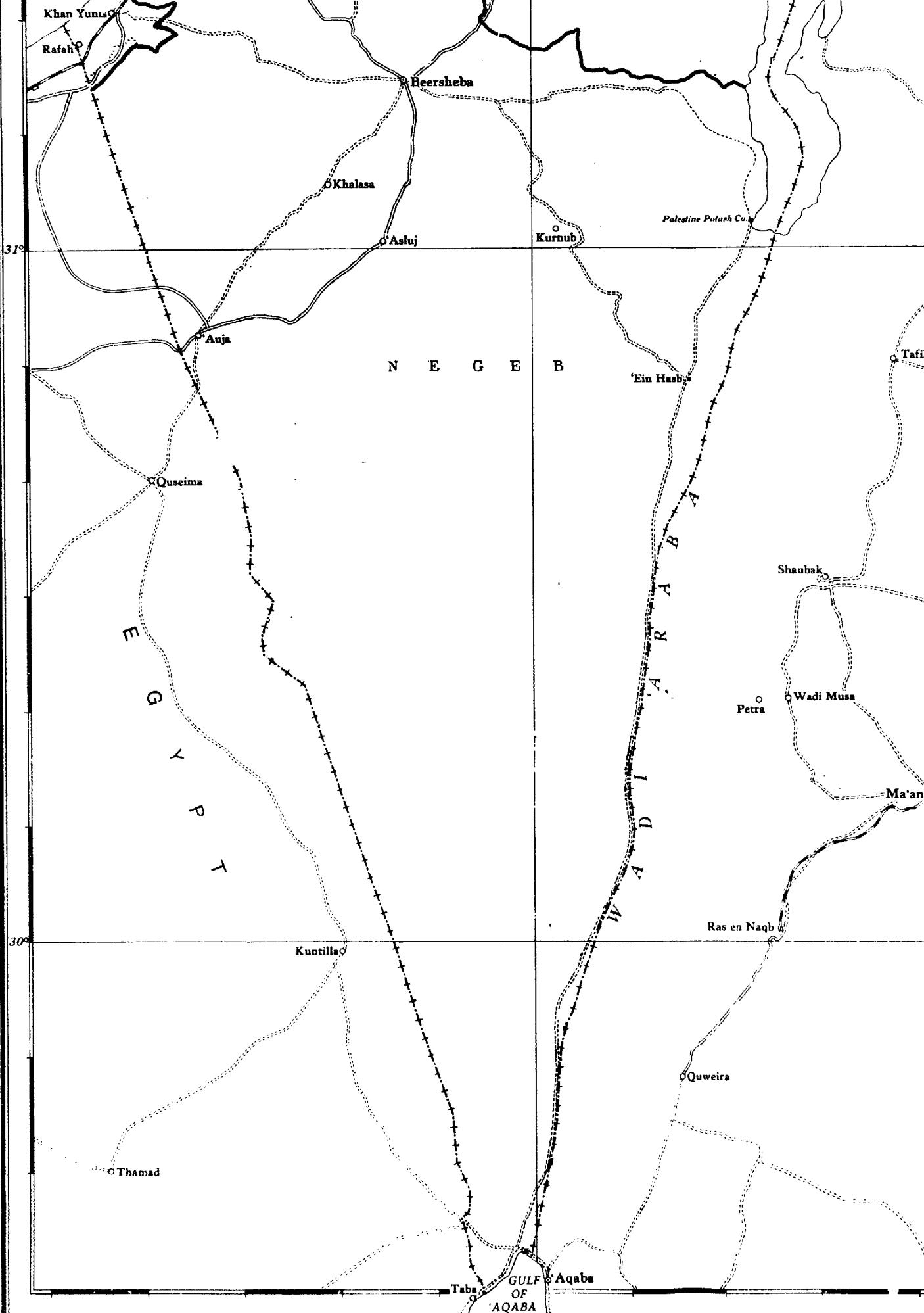
Sub-District Boundaries

Roads .. FIRST SECOND OTHER ..

Railways ..





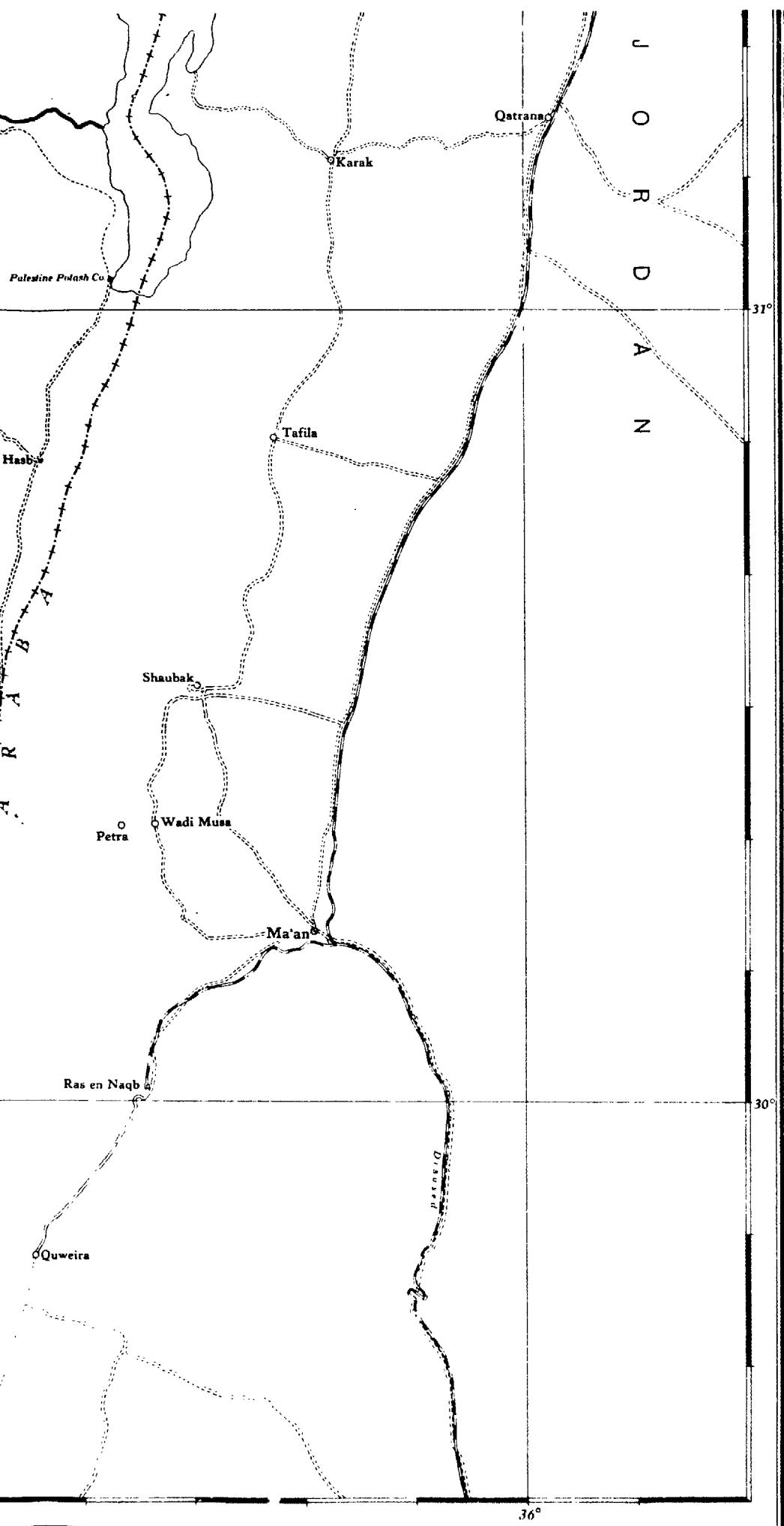


MAP NO. 82 UNITED NATIONS

UN PRESENTATION 520

SEPTEMBER 1947

Kilometres 10 5 0 10 20 30 40 Kilometres
Miles 5 0 5 10 15 20 25 Miles



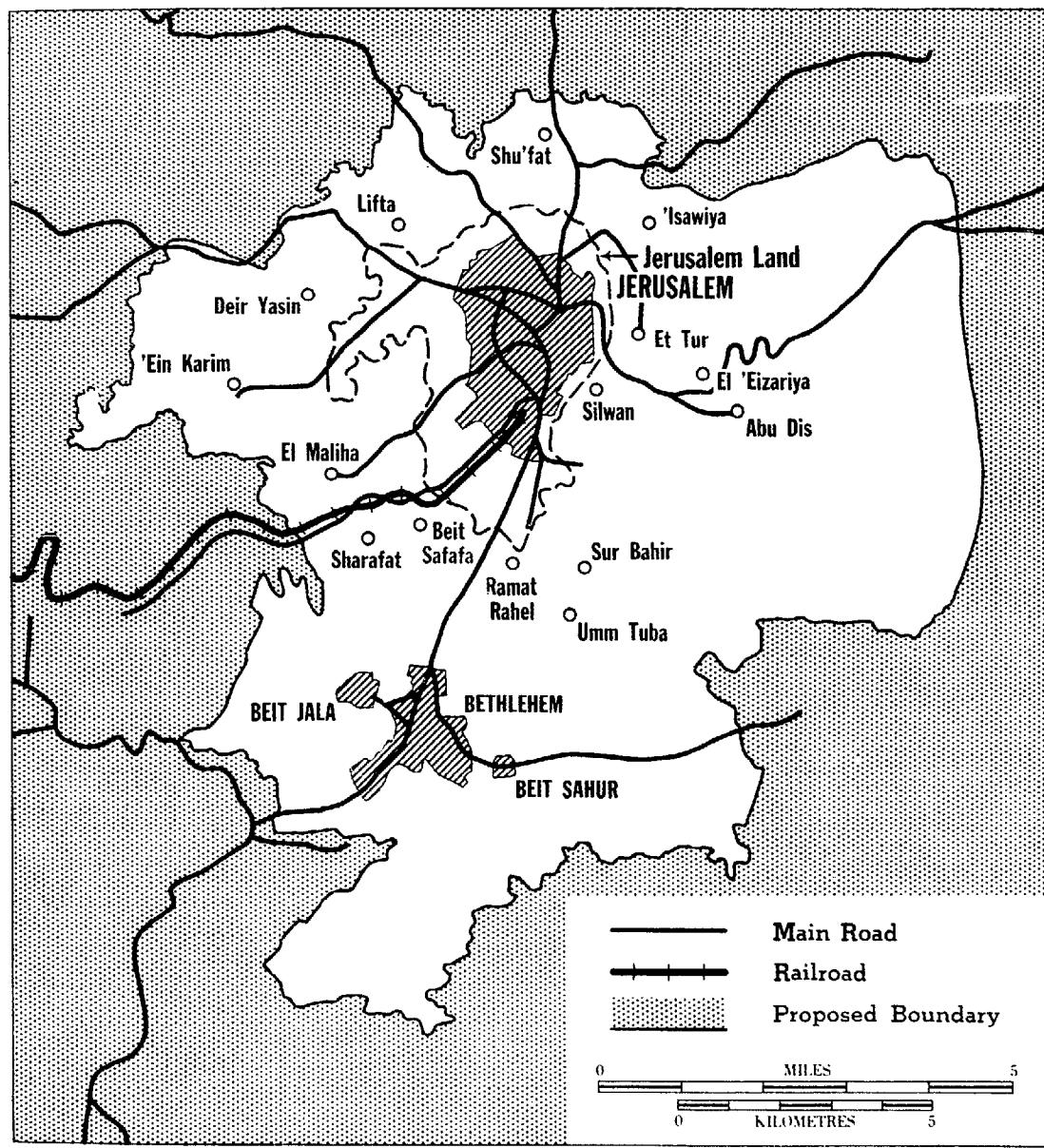
BASE MAP: Survey of Palestine, April 1946.

Modified.

20 30 40 Kilometres

CITY OF JERUSALEM PROPOSED BOUNDARIES

SKETCH MAP
(MAJORITY PROPOSAL. Reference: Chapter VI, Part III)



PALESTINE FEDERAL STATE PLAN

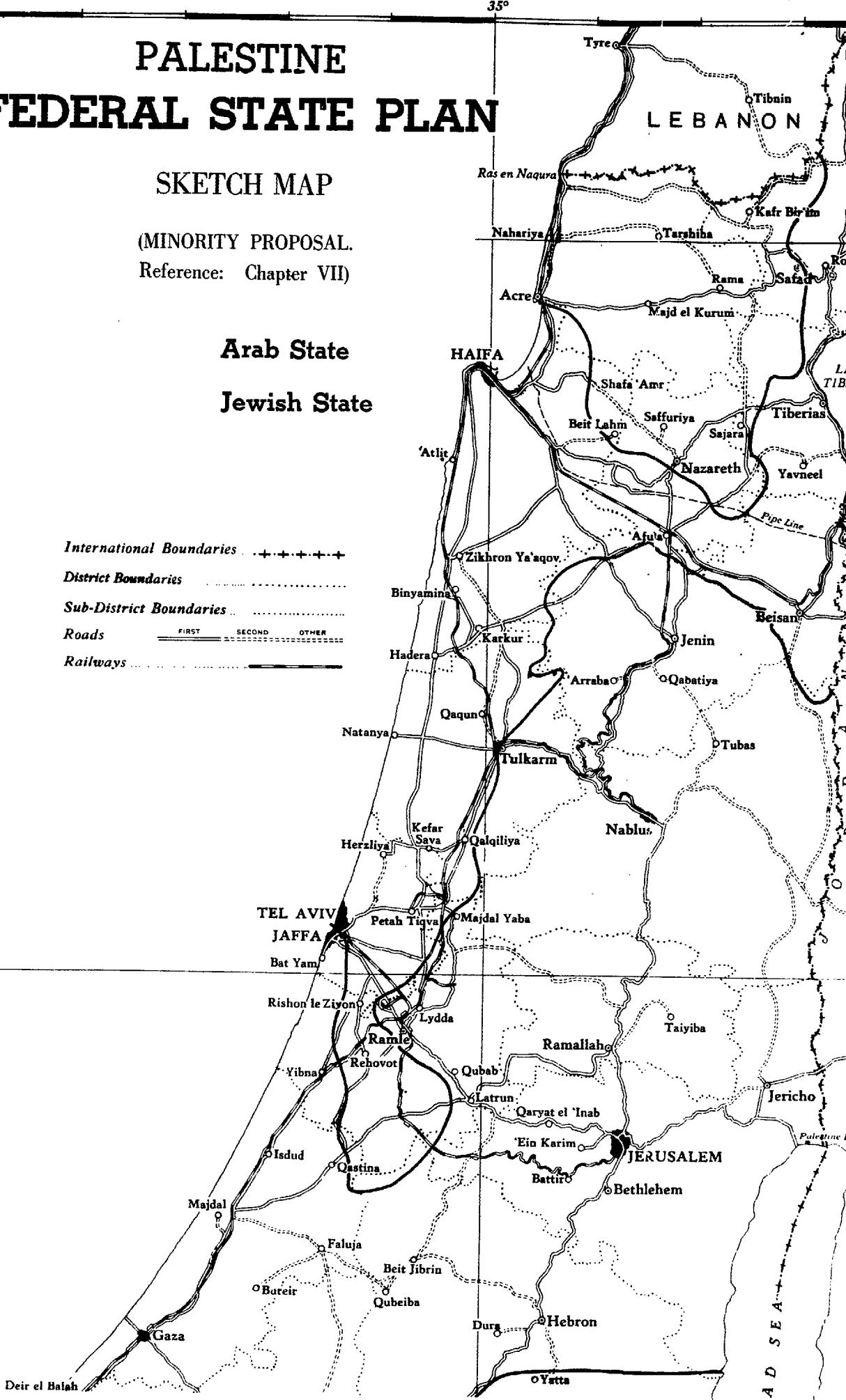
SKETCH MAP

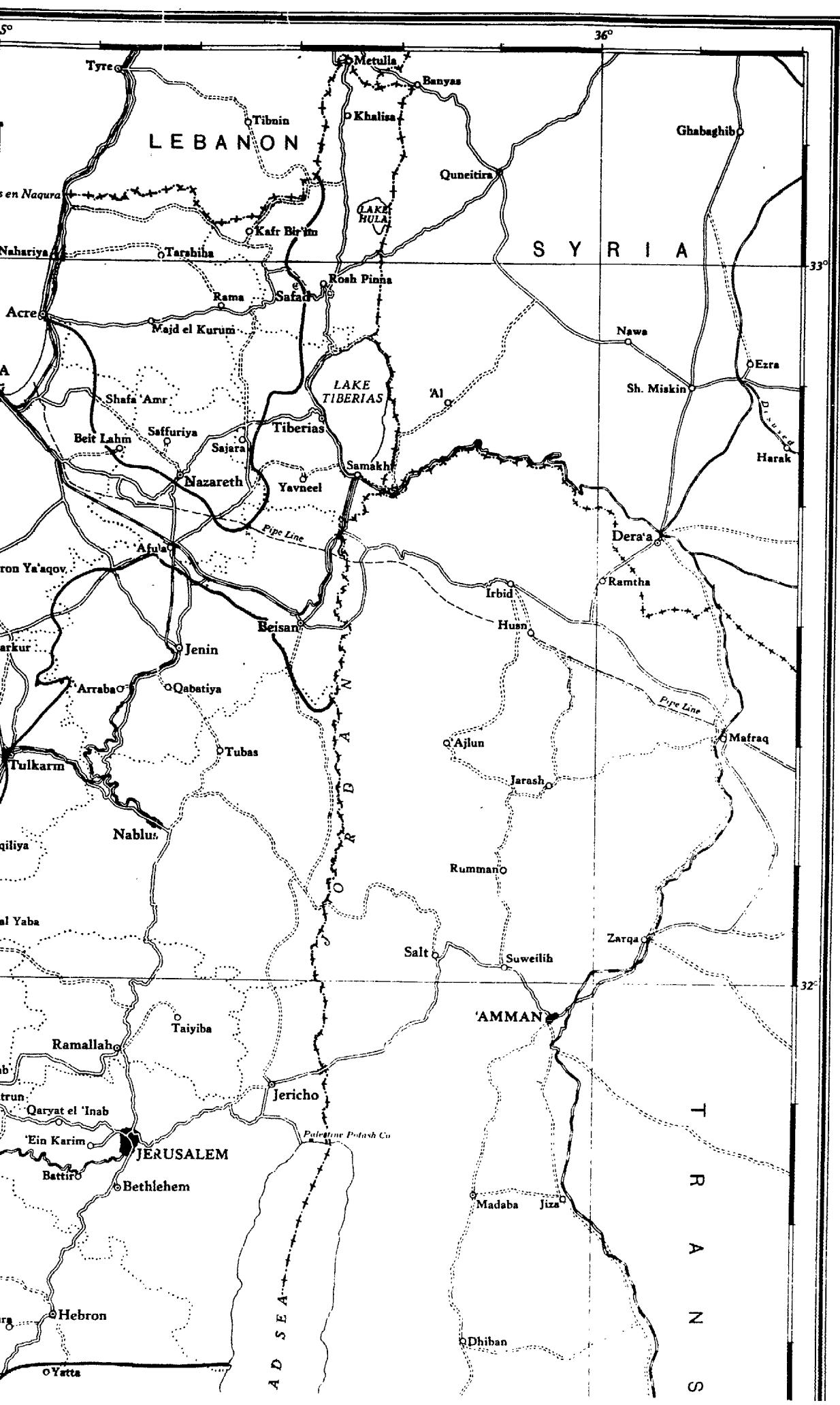
(MINORITY PROPOSAL.
Reference: Chapter VII)

Arab State

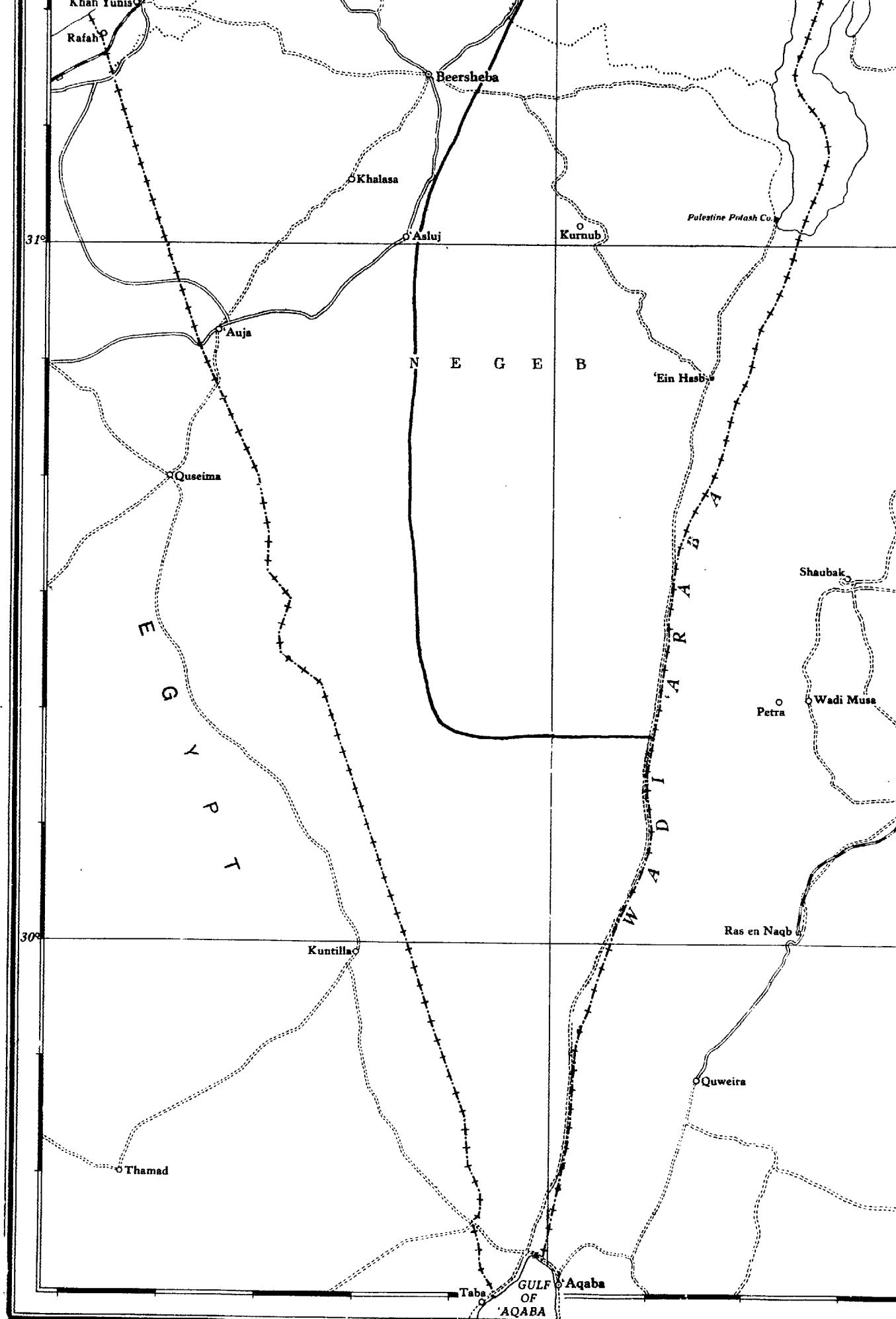
Jewish State

- International Boundaries* + + + + +
- District Boundaries*
- Sub-District Boundaries*
- Roads* ————— FIRST ————— SECOND ————— OTHER
- Railways* ——————





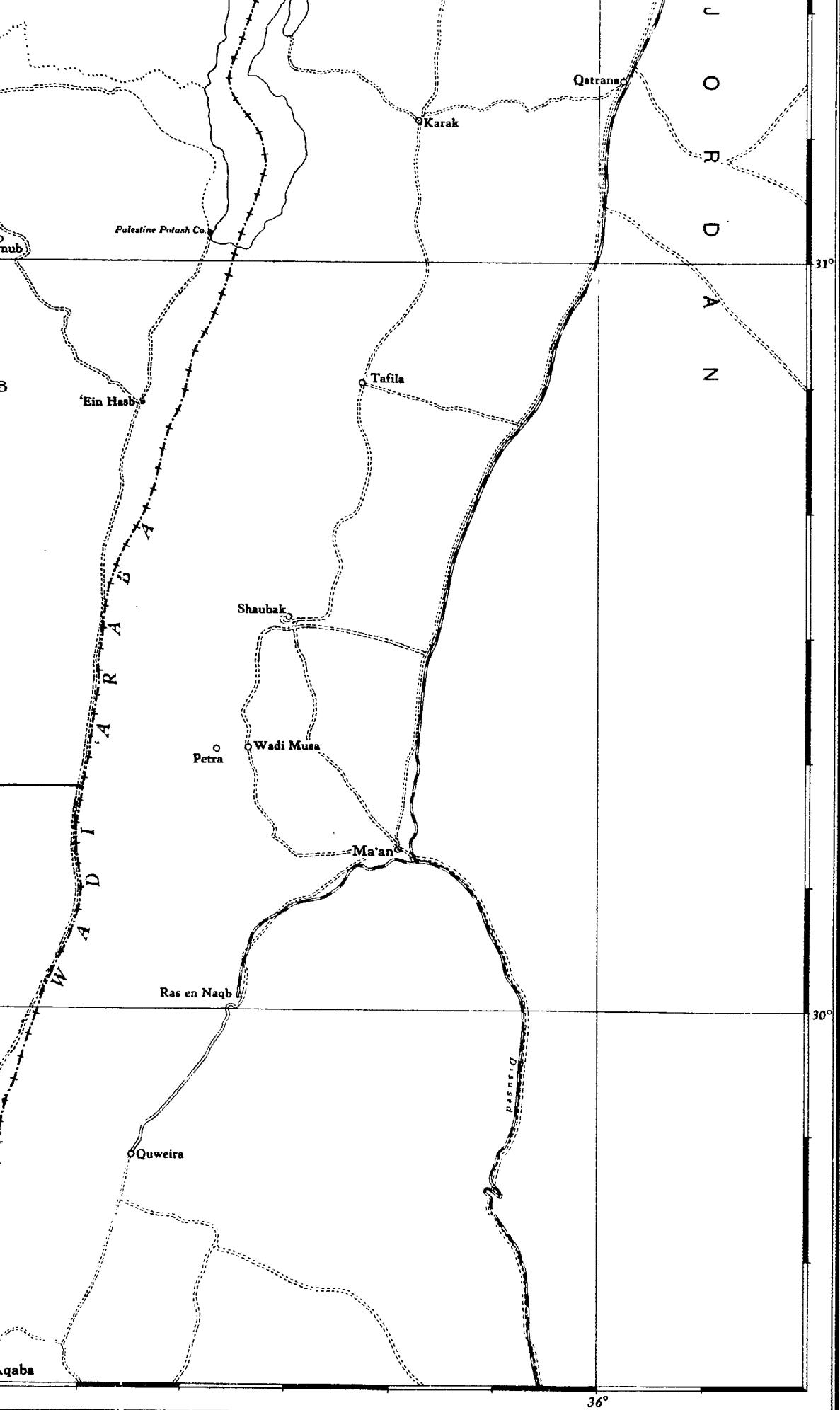
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MAP NO. 84 UNITED NATIONS
UN PRESENTATION 522

SEPTEMBER 1947

Kilometres 10 5 0 10 20 30 40 Kilometres
Miles 5 0 5 10 15 20 25 Miles



BASE MAP: Survey of Palestine, April 1946.

Modified.

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