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(COMMISSIONS OF INQUIRY ON PALESTINE, 1937 - 1949)
PLANS FOR PARTITION, CANTONIZATION, AND
FEDERALIZATION OF PALESTINE

BY

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FRENCH -- PALESTINE PARTITION PLANS

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CHAPTER I

INTRODUCTION

In the Report of the United Nations Special Committee on Palestine issued in September 1947, it classified the various proposals for a solution to the Palestine problem (both official and unofficial), during the past decade into one of the three following categories:¹

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

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

(3) The establishment of a single State with a Federal, cantonal or bi-national structure, in which the minority would, by such political structure, be protected from the fear of domination.

In the way of an introduction, an attempt will be made to state and briefly summarize the various plans which will be discussed. The plans, for the most part, are those of Commissions or Committees of Inquiry, but also included are those of organizations and individuals acting in an official capacity. The

¹United Nations Special Committee on Palestine (UNSCOP) Report to the General Assembly, Supp. No. 11, Vol. I. Lake Success, New York, 1947, p. 39.

period covered is from 1937 up to and including the Armistice lines of 1949.

First, starting with the Palestine Royal (Peel) Commission of 1937, which was first (at least officially) to recommend partitioning for Palestine. The specific proposal of the Commission suggested a division (see map No. 1) whereby the "whole of Galilee, the Plain of Esdraelon and Jezreel and the Martine Plain as far south as Isdud were allotted to the Jewish State." The greater part of Palestine to the south and east of this line would "constitute the Arab area, to be united with Transjordan. Jerusalem and Bethlehem, with a corridor reaching to the sea at Jaffa, and also Nazareth, would remain under the British Mandate."²

Second, following the recommendation of the Palestine Royal Commission came the Palestine Partition (Woodhead) Commission in 1938. The commission rejected the Partitioning Plan of the Palestine Royal Commission. Their main reason for rejection of the plan was that the Arabs would make up a minority of some 49 per cent of the total population in the Jewish State contemplated by the plan. The Commission made quite an extensive study of the Palestine situation, going into all aspects of the problem. They discussed three plans of partitioning. (See maps No. 2, 3, and 4.) Plan "A" of the Woodhead Commission was really the original one suggested by the Royal Commission. Then Plan "B" which was a modification of the first, and Plan "C" a further modification of

²Ibid.

the first two. There were only four members of the commission, but they could not arrive at any form of unanimity as to proposals.³

One of the members concluded that no form of partition was practical. Another member together with the Chairman recommended a plan whereby the Jewish state would be made up of a strip of territory in the northern part of the Maritime Plain, approximately seventy-five kilometers in length. This Jewish state was to be bounded on the south by an Arab enclave at Jaffa and a corridor connecting the Mediterranean with the Jerusalem enclave which was to be under mandate. (See Map No. 3.)

The Arab state was to consist of the remainder of Palestine with the exception of Galilee and the sub-district of Beersheba which were to be administered by the Mandatory until the Arab and Jewish populations could agree on their final destination. A fourth member of the Committee recommended the addition to the Jewish state, as proposed by the Chairman and one member, of the valleys of Esdraelon and Jezreel with Lakes Huleh and Tiberias.⁴

Their biggest area of disagreement was in the placing of Galilee with its preponderance of Arabs under the Jewish state or placing the inhabitants in a compulsory bargaining position for their lands.

Third, the Anglo-American Committee of Inquiry of 1946.

³H. M. S. Government Cmd. 5854. Palestine Partition Commission Report. London, 1938, p. 246.

⁴U. N. S. C. O. P., op. cit., p. 39.

Although this Committee did not make any definite recommendations as to the division of Palestine, its recommendations and findings served as a basis for later recommendations. The Committee expressed the view that "now and for some time to come any attempt to establish either an independent Palestinian State or independent Palestinian States would result in civil strife such as might threaten the peace of the world."⁵

The Committee accordingly recommended that Palestine should continue to be administered under the Mandate pending the execution of a Trusteeship Agreement, and also recommended that the constitutional future of Palestine should be based on three principles:⁶

(1) That Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine;

(2) That Palestine shall be neither a Jewish State nor an Arab state;

(3) That the form of government ultimately to be established should, under international guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths.

The two specific recommendations of the Committee with widespread political repercussions were for the immediate revocation of the land transfers regulations of 1940,⁷ and the authorization of 100,000 immigration certificates to be awarded in so far as

⁵Ibid., p. 40.

⁶Ibid.

⁷A recommendation contained in the White Paper of 1939, and put into effect by the Mandatory in 1940.

possible in 1946.

Fourth, came the Plan for Provincial Autonomy of 1946 which is also known as the Morrison-Grady Plan. This plan was an outcome of the recommendations of the Anglo-American Committee of Inquiry. It was an attempt to put into effect their recommendations "that Palestine shall be neither a Jewish state nor an Arab state."⁸

The greater part of Palestine was to be divided into an Arab province, and a Jewish province, the latter including almost the entire area on which Jews had already settled, together with a considerable area between and around the settlements.

Each province was to have an elected legislature and an executive. Jerusalem and Bethlehem, together with the Negev, would remain under the direct control of the representative of the British Government acting as trustee for Palestine in virtue of a United Nations Trusteeship Agreement. A way was left open for future development, either towards an independent federal state or towards partition with the Arab and Jewish provinces becoming independent states whose boundaries could not be modified except by mutual consent. It was contemplated that the adoption of this plan would make it possible to admit immediately 100,000 Jewish immigrants into Palestine, as the Anglo-American Committee had recommended, and to continue immigration into the Jewish province subject to the final control of the Central Government.⁹

⁸U. N. S. C. O. P., op. cit., p. 41.

⁹Ibid.

Fifth, the Arab States' plan and the Jewish Agency's Plan. Following the rejection of the Morrison-Grady plan, the British called a London conference to try and reach an agreement between the Jews and Arabs.

At the first session of the conference, the Arab States presented their own plan for Palestine. Their plan stipulated that an independent Arab state be created after a short period of transition.¹⁰ Within this unitary State the Jews who had acquired Palestinian citizenship, would have full civil rights, equally with all other citizens of Palestine. A legislative assembly was to be set up with Jewish representation proportionate to the number of Jewish citizens in Palestine, but in no case would the number of Jewish representatives exceed one third of the total number of members.

At the second session of the conference the Jewish Agency presented their plan. They proposed that the area allotted to the Jews should include Galilee and the Coastal Plain (see Map No. 7b) as recommended by the Royal Commission in 1937 - plus the Negev.¹¹ The rest of the country, comprising the hill districts of east-central Palestine, Jaffa, and a corridor connecting the two, would go to the Arabs.

Sixth, the Bevin Plan or Cantonization Plan of 1947. The process of cantonization was first discussed by the Royal Commission in 1937. In essence the Cantonization scheme was "that areas

¹⁰J. C. Hurewitz, The Struggle for Palestine, New York, W. W. Norton & Co., 1950, p. 264.

¹¹Ibid., p. 260.

should be officially defined within which Jewish acquisition of land and close settlement would be permitted and encouraged in discharge of the positive obligation under the Mandate regarding the National Home, and without which the land would be reserved for the needs of the indigenous population.¹²

Bevin's plan provided for a five-year period of British trusteeship with the object of preparing the country for independence. Areas of local administration would be so delimited as to include a substantial majority either Jews or Arabs. Each area was to enjoy a considerable measure of local autonomy. The High Commissioner would be responsible for protecting minorities. At the center he would endeavor to form a representative Advisory Council.¹³ At the end of four years, a constitutional Assembly was to be elected. If agreement were reached between a majority of the Arab representatives and a majority of the Jewish representatives in this assembly, an independent state would be established. The plan also provided for an admission of 96,000 Jews during the first two years.¹⁴

Seventh, came the report of the United Nations Special Committee on Palestine (UNSCOP) on 3 September 1947. The report had both a majority and a minority proposal. First, the

¹²His Majesty's Service Government, Palestine Royal Commission Report, London, 1937, p. 377.

¹³U. N. S. C. O. P., op. cit., p. 40.

¹⁴Ibid.

majority scheme of political partition with economic union. This proposal called for the dividing of Palestine into independent Arab and Jewish states and an internationalized zone of Jerusalem. (See map No. 5.) The Arab area was to comprise western Galilee, the hill country of central Palestine with the exception of the Jerusalem enclave, and the Coastal Plain from Isdud to the Egyptian border. The Jewish territory was to consist of eastern Galilee, the Coastal Plain from a point south of Acre to one north of Isdud (including the predominantly Arab town of Jaffa), the Negeb, which was defined as embracing the whole of the Beersheba sub-district and part of the Gaza sub-district. Jerusalem, Bethlehem, and their rural suburbs were to form the City of Jerusalem, which the U.N. was to administer under a permanent trusteeship agreement.¹⁵ The Arab and Jewish States were to have economic unity for a ten-year period with common customs, currency, and communications.

The minority considered partition impracticable, unworkable and anti-Arab. They argued that "the well-being of the country and its peoples as a whole" outweighed "the aspirations of the Jews for a separate and sovereign state."¹⁶

They proposed the development of the mandate, after a three-year transitional United Nations administration, into an independent federal government, comprising Arab and Jewish states

¹⁵Hurewitz, op. cit., p. 296.

¹⁶Ibid.

with Jerusalem as the capital.¹⁷ (See map No. 6.)

In the majority scheme, the Jewish Agency was to organize immigration and to continue it at the monthly rate of 6,250 in the first two years and 5,000 monthly thereafter. Under this scheme immigration, foreign relations, and national defense were to be directed by the central government, whose legislature was to be bicameral, with equal representation in one house and proportional representation in the other.

Eighth, came the plan finally adopted by the General Assembly of the United Nations on 29 November 1947. (See map No. 7c.) This was the majority plan presented by UNSCOP, with slight modifications. The General Assembly's plan reduced the size of the proposed Jewish state from 6,000 to 5,500 square miles and this was to include roughly fifty-five per cent of the total land area of Palestine. The most significant territorial changes was the transfer to the projected Arab state of 500,000 acres in the Negev, in the vicinity of the town of Beersheba and along the Mediterranean Sea and the Egyptian frontier. The city of Jaffa was also to be a part of the Arab state.

Ninth, was the U.N. Mediator's plan¹⁸ for partition with economic union between Palestine and Transjordan. During the first truce between the Arabs and Israelis in June 1948, Counte

¹⁷Hurewitz, op. cit., p. 296.

¹⁸George Kirk, The Middle East 1945 - 1950, London, Oxford University Press, 1954, p. 278.

Folke Bernadotte proposed several points or suggestions to serve as a basis for possible understanding between the two sides. In addition to the economic unity, Count Bernadotte proposed some territorial adjustments to the U.N. Plan of Partitioning. He suggested that the Negev be included in Arab territory (see map No. 7c) in return for the whole or part of western Galilee to be in Jewish territory. However, the suggestion most objected to by the Jews was for the City of Jerusalem to be included in Arab territory with municipal autonomy for the Jewish community. His plan was not favorably considered by either side and on the ninth of July 1948, the truce was broken and fighting resumed.

Tenth, was the final and presently accepted plan of partition, which was brought about by the Armistice in the spring of 1949 and also known as the Rhodes Agreement. (See map No. 7d.) In February 1949 a permanent armistice agreement was signed between Egypt and Israel which provided for the reduction of garrisons, demilitarization of certain areas and demarcation lines. Following this were negotiations between Israel and the other Arab States which were carried on on the Island of Rhodes as that was the Headquarters for the U.N. Mediator. Israel succeeded in entering into bilateral agreements with Lebanon, Transjordan and Syria by the end of July 1949.¹⁹

The Rhodes Agreement or Armistice of 1949, left in Israel's

¹⁹Hurewitz, op. cit., p. 319.

de facto possession of almost all the territory occupied by its troops within the boundaries of the former Palestine Mandate - including all of Galilee, the Negev (including Beersheba but excluding al-'Awja and the Gaza strip), the Coastal Plain, and a wide corridor to Jewish Jerusalem.²⁰ (See Map No. 7d.) Also by the end of July, Egyptian and Iraqi troops had been withdrawn from the interior of central Palestine and the territory extending from north of Janin to south of Hebron and including the Old City of Jerusalem was taken over by Abdullah of Transjordan, and was eventually incorporated into the Hashemite Kingdom of Transjordan. On the 11th of August 1949, the Security Council took formal cognizance of the end of the war and more or less formally recognized the existing boundaries between the Arab States and Israel by terminating the office of the Acting Mediator.²¹

²⁰ Ibid.

²¹ Ibid.

CHAPTER II

PALESTINE ROYAL (PEEL) COMMISSION

In the report of the Palestine Royal (Peel) Commission, they speak of the existing circumstances in Palestine as being an irrepressible conflict between two national communities within the narrow bounds of one small country. There were approximately 1,000,000 Arabs in strife, open or latent, with some 400,000 Jews. Their cultural and social life, their ways of thought and conduct, were as incompatible as their national aspirations. World War II had inspired all Arabs with the hope of reviving in a free and united Arab World the traditions of the Arab golden age. The Jews had been inspired by their historic past. They desire to show what the Jewish nation could achieve when restored to the land of its birth. On that basis national assimilation between Arabs and Jews was largely ruled out.²²

Since the time of the Mandate, "the conflict had been growing steadily worse and up to the time of the Royal Commission had been marked by a series of five major Arab outbreaks, culminating in the rebellion of 1936."²³

²²Palestine Royal Commission Report, op. cit., p. 371.

²³Ibid.

In previous periods of hostility toward the Jews, the ill-feeling was not widespread among the fellaheen, but by 1936 it had become general among all classes. The estranging force of conditions inside Palestine was felt to be growing year by year. The educational systems of both Arabs and Jews were schools of extreme nationalism and the full effect upon the younger generations was yet to come. The "Youth Movements" of the Jews and to a lesser extent the Arabs were a direct replica of those of the fascist countries of Europe and Asia which were to lead directly to war and bloodshed.

The big question in Palestine at that time was who would rule Palestine after the termination of the Mandate.²⁴ In answer to this question, the Committee felt that neither Jew nor Arab was to rule by themselves. The problem resolved itself to whether the Mandatory should hand over 400,000 Jews to be ruled by the Arabs or wait until the Jews became a majority and hand over a million or so Arabs for them to rule over. The Commission felt that Partitioning had often occurred to students only to be discarded²⁵ as many people felt a distinctive dislike to cutting up the Holy Land. However what was to be gained by maintaining a political unity of Palestine at the cost of perpetual hatred, strife and bloodshed and that here would be

²⁴Ibid.

²⁵Palestine Royal Commission Report, op. cit., p. 371 to 373.

very little moral injury in drawing a political line through Palestine if peace and good will between the peoples on either side could be attained in the long run.

After weighing all the pros and cons the commission decided that of all solutions, partition seemed to offer at least a chance of ultimate peace which was more than could be said for any of the other plans. The Commission concluded that:²⁶

Half a loaf is better than no bread, is a peculiarly English proverb, and considering the attitude which both the Arab and the Jewish representatives adopted in giving evidence before us, we think it improbable that either party will be satisfied at first sight with the proposals we have submitted for the adjustment of their rival claims. For partition means that neither will get all it wants. It means that the Arabs must acquiesce in the exclusion of their sovereignty of a piece of territory, long occupied and once ruled by them. It means that the Jews must be content with less than the land of Israel they once ruled and have hoped to rule again. But it seems to us possible that on reflection both parties will come to realize that the drawbacks of partition are outweighed by its advantages. For, if it offers neither party all it wants, it offers each what it wants most, namely freedom and security.²⁷

The Royal Commission fully realized that partitioning meant that neither side would get all they wanted. "It meant that the Arabs must acquiesce in the exclusion from their sovereignty of a piece of territory long occupied and once ruled by them, and that the Jews must be content with less than the Land of Israel they once ruled and have hoped to rule again."²⁷ However, they felt

²⁶ESCO (Ethel S. Cohen), *Foundation for Palestine Inc., Palestine*: New Haven, Yale University Press, 1947, pp. 842 to 845.

²⁷*Palestine Royal Commission Report, op. cit.*, pp. 394 to 395.

that it offered to each what they wanted most - freedom and security.

They then gave their interpretation of the advantages to be

derived by each side. First, advantages to the Arabs of partitioning:²⁸

(1) They obtain their national independence and can cooperate on an equal footing with the Arabs of the neighboring countries in the cause of Arab unity and progress.

(2) They are finally delivered from the fear of being "swamped" by the Jews and from the possibility of ultimate subjection to Jewish rule.

(3) In particular, the final limitation of the Jewish national Home within a fixed frontier and the enactment of a new Mandate for the protection of the Holy Places, solemnly guaranteed by the League of Nations, removes all anxiety lest the Holy Places should ever come under Jewish control.

(4) As a set-off to the loss of territory the Arabs regard as theirs, the Arab State will receive a subvention from the Jewish State. It will also, in view of the backwardness of Transjordan, obtain a grant of £2,000,000 from the British Treasury; and, if an arrangement can be made for the exchange of land and population, a further grant will be made for the conversion, as far as may prove possible, of uncultivable land in the Arab State into productive land from which the cultivators and the State alike will profit.

Second, advantages of Partition to the Jews:

(1) Partition secures the establishment of the Jewish National Home and relieves it from the possibility of its being subjected in the future to Arab rule.

(2) Partition enables the Jews in the fullest sense to call their National Home their own: for it converts it into a Jewish State. Its citizens will be able to admit as many Jews into it as they themselves believe can be absorbed. They will attain the primary objectives of Zionism - A Jewish nation, planted in Palestine, giving its nationals the same status in the world as other nations give theirs. They will cease at last to live a "minority life."

²⁸Ibid.

The Commission predicated their plan of partitioning upon the principles that it should be practical; that it should conform to the obligations of the Mandatory; and that it should do justice to both Arabs and Jews. The report stated that "the partition of Palestine as subject to the overriding necessity of keeping the sanctity of Jerusalem and Bethlehem inviolate and of ensuring free and safe access to them for all the world."²⁹ They felt that a new mandate should be framed with the execution of this trust as its primary purpose and an enclave was to be demarcated extending from a point north of Jerusalem to a point south of Bethlehem, and access to the sea should be provided by a corridor extending to the north of the main road and to the south of the railway, but excluding the towns of Lydda and Ramle, and terminating at Jaffa. (See map No. 1)

The report went further in defining the protection to be adopted by the Mandatory for the protection of the Holy Places. This protection was to be a permanent trust, unique in its character and purpose, and not contemplated by Article twenty-two of the Covenant of the League of Nations. Although it would be the trustee's duty to promote the well-being and development of the local population concerned, it was not intended that in course of time they were to stand by themselves as a wholly self-governing community.

Guarantees as to the rights of the Holy Places and free

²⁹Ibid., pp., 381 to 382.

access thereto, should be maintained in accordance with the principles of the mandate. The policy of the Balfour Declaration was not to apply, and no question was to arise of balancing Arab against Jewish claim or vice versa. The only "official language" was to be that of the Mandatory Administration.³⁰ They also recommended that the Mandatory should be entrusted with the administration of Nazareth and with full powers to safeguard the sanctity of the waters and shores of Lake Tiberias. The Mandatory should similarly be charged with the protection of religious endowments and of such buildings, monuments and places in Arab and Jewish states as are sacred to Jews and Arabs respectively.

Palestine and Transjordan were to be redivided into three regions:

1) A Jewish State, including the coastal region of Palestine from a point midway between Gaza and Jaffa to Megiddo in the Valley of Esdraelon there turning east to include the Valley of Esdraelon and Galilee to the northern boundaries between Palestine and Syria;

2) An Arab State, which would include all of the rest of Palestine south and east of the Jewish and also the whole of Transjordan;

3) A British Enclave, under permanent Mandate, which would include Jerusalem and Bethlehem for reasons of Christian tradition and Lydda and Ramleh and a corridor to the sea at Jaffa for

³⁰Ibid.

military and economic reasons.³¹ (See map No. 1.)

Thus outlined the principles followed in this plan was the separation of areas in which the Jews had acquired land and settled, from those which were wholly or mainly occupied by the Arabs. The boundary proposed started at Ras an Naqura, and followed the northern and eastern frontier of Palestine to Lake Tiberias and crossed the Lake to the outflow of the Jordan River, then continuing on down the river to a point a little north of Beisan. It then cut across the Beisan Plain and ran along the southern edge of the Valley of Jezreel and across the Plain of Esdraelon to a point near Megiddo, then crossed the Carmel ridge in the neighborhood of the Megiddo road.³² Having thus reached the Maritime Plain, the line ran southward down its eastern edge, curving west to avoid Tulkarm, until it reached the Jerusalem-Jaffa corridor near Lydda. South of the Corridor it was to continue down to the edge of the Plain to a point about ten miles south of Rehovot, then turn west to the sea.³³

Thus composed the Jewish state would have included: the Maritime Plain from a point south of Jaffa to Mt. Carmel in the neighborhood of Haifa; the Plains of Esdraelon and the Valleys of Jezreel; and part of Galilee including Safed and the Huleh Basin. The Jewish state would include the sub-districts of Acre, Safad,

³¹ESCO Foundation, op. cit., p. 845 and p. 1151.

³²Palestine Royal Commission Report, op. cit., pp. 383 to 384.

³³ESCO Foundation, op. cit., pp. 1152.

Tiberias, Nazareth, Haifa, and the City of Tel-Aviv, and some territory south of Jaffa.

The Arab state would include the remaining part of Galilee; the northern part of the Plain of Acre; the central hill country of old Samaria and Judea, except for Jerusalem and its vicinity. The towns of Nablus, Jenin and Tulkarm, centers of Arab nationalism, would be included. The Arab bloc would extend eastward to the River Jordan between the Dead Sea and Beisan, and it would include the huge area stretching south and southwest to the Egyptian frontier down to Aquaba. This whole area to be joined to Transjordan in a unitary Arab State.

The Commission made the following observations and recommendations with regard to the proposed frontier and to questions arising from it:³⁴

(1) No frontier can be drawn which separates all Arabs and Arab-owned land from all Jews and Jewish-owned land.

(2) The Jews have purchased substantial blocks of land in the Gaza Plain and near Beersheba and obtained options for the purchase of other blocks in this area. The proposed frontier would prevent the utilization of those lands for the southward expansion of the Jewish National Home. On the other hand, the Jewish lands in Galilee, and in particular the Huleh basin which offers a notable opportunity for development and colonization would be in Jewish hands.

(3) The proposed frontier necessitated the inclusion in the Jewish Area of the Galilee highlands between Safad and the Plain of Acre. It must be remembered that this is the part of Palestine in which the Jews have retained a foothold almost if not entirely without a break from the beginning of the Diaspora to the present day and that the sentiment of all Jewry is deeply attached to the "holy cities" of Safad and Tiberias.

³⁴Palestine Royal Commission Report, op. cit., pp. 384.

(4) Jaffa was an essentially Arab town in which the Jewish minority had been dwindling. The Commission suggested that it should form part of the Arab State.

(5) The Commission while recognizing the fact that the Mediterranean would be accessible to the Arab State at Jaffa and at Gaza, thought that in the interests of Arab trade and industry the Arab State should also have access for commercial purposes to Haifa, the existing deep-water port on the coast at that time.

They also recommended that the Jewish treaty should provide for free transit of goods in bond between the Arab State and Haifa, and the Arab treaty likewise provide for the free transit of goods in bond over the railway between the Jewish State and the Egyptian frontier. The same principle also to apply to the question of access to the Red Sea for commercial purposes. They recognized that an exit to the East might prove in course of time of great advantage to both Arab and Jewish trade and industry and in this respect they suggested that an enclave on the north-west coast of the Gulf of Aquaba should be retained under mandatory administration, and that the Arab Treaty should provide for the free transit of goods between the Jewish State and this enclave.³⁵

The report was published in July 1937, and its reception by the Jews and Arabs was perhaps no more than was expected - almost unanimous disapproval.

The Council of the Jewish Agency which met in Zurich in 1937 rejected as unacceptable the scheme of partition put forward

³⁵Ibid., pp. 385.

by the Royal Commission, but directed the Executive of the Jewish Agency to enter into negotiations with the British Government to ascertain the precise terms of the proposed establishment of the Jewish state. They were interested but had two major criticisms of the partition plan:³⁶

- 1) that the area assigned to the Jewish state was too small and gave inadequate development opportunities;
- 2) it excluded Jerusalem with its large Jewish population from the Jewish state. However, they declared themselves ready to discuss a definite plan for the establishment of a Jewish state in part of Palestine.

Mr. D. Ben Gurion, President of the Zionist Executive commenting on the meeting at Zurich stated:³⁷

The Debate has not been for or against the indivisibility of the Land of Israel. No Zionist can forge the smallest portion of the Land of Israel. The Debate concerned which of two routes would lead quicker to the common goal.

Dr. Weizmann emphasized a similar point when he replied to criticism on why he did not insist on the inclusion of the Negev area in the proposed state, declared that it was a fifth-rate colonization area, and that in any case "it would not run away."³⁸

An Arab Congress was held at Hludan, in Syria on 8 August 1937 with representatives coming from all the Asiatic Arab countries and from Egypt.

The Arab Congress passed unanimously a resolution declaring

³⁶Barbour Neville, Misi Dominus, London, George Harrap & Co. Ltd., 1946, pp. 184 to 185.

³⁷Ibid.

³⁸Ibid.

that Palestine was an inseparable portion of the Arab Homeland. The Arab Higher Committee made a formal rejection of the Report in a published memorandum to the Permanent Mandates Commission. The Arab High Committee announced that the only solution which they could regard as acceptable must be based on the following principles:³⁹

- (1) the recognition of the right of the Arabs to complete independence in their own land;
- (2) the cessation of the experiment of the Jewish National Home;
- (3) the cessation of the British Mandate and its replacement by a treaty similar to treaties existing between Britain and Iraq, Britain and Egypt, and between France and Syria, creating in Palestine a sovereign State;
- (4) the immediate cessation of all Jewish immigration and of land sales to Jews pending the negotiation and conclusion of the treaty.

Immediately after the publication of the Royal Commission's recommendations, the Arab Higher Committee sent appeals for support and advice to the Arab Moslem leaders throughout the world. The response was immediate and almost unanimous in their rejection of the partition plan. However, Emir Abdullah was a little reluctant to expressing his attitude, as he would stand to gain much territory if the proposed plan of partitioning was to be put into effect.⁴⁰

From Sayyid Hikmat Suleiman, Prime Minister of Iraq came what was probably a typical feeling among most Arab leaders of the

³⁹ Palestine Partition Commission Report, op. cit., pp. 17.

⁴⁰ Barbour, op. cit., p. 186.

time. His answer was evidently referring to such individuals as Emir Abdullah. He said, "Any person venturing to agree to act as head of such a state (the Arab State proposed in the Partition Plan) would be regarded as an outcast throughout the Arab world and would incur the wrath of Muslims all over the East."⁴¹

General opinion in England was at first hopeful that the partition scheme would provide a basis for settlement, while opinion in the rest of the world were for the most part unfavorable to it, either from a direct or indirect partisanship, or from sentimental dislike for any plan that would divide the Holy Land.

The British Secretary of State for the Colonies moved in the House of Commons on 21st of July 1937 that the House approve the policy of His Majesty's Government relating to Palestine as set out in Command Paper No. 5513.⁴² However, an amendment as proposed by Mr. Winston Churchill was also accepted by the Government, which read as follows:⁴³

That the proposals contained in Command Paper No. 5513 relating to Palestine should be brought before the League of Nations with a view to enabling His Majesty's Government

⁴¹ESCO Foundation, op. cit., p. 847.

⁴²A Statement of Policy (Cmd. 5513) was issued by His Majesty's Government on 7th of July, 1937 on the same day that the Royal Commission's Report was published. The Statement contained the following significant announcement: "In the light of experience and of the arguments adduced by the Commission, they are driven to the conclusion that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock."

⁴³Barbour, op. cit., p. 182.

after adequate enquiry, to present to Parliament a definite scheme taking into full account all the recommendations of the Command Paper.

The next step was to bring the proposal before the Thirty-second session of the Permanent Mandates Commission which opened in Geneva in July for the purpose of hearing the representatives of the Mandatory Power.

Mr. Ormsby Gore, British Colonial Secretary, in presenting the British point of view to the Permanent Mandates Commission stressed the fact that while the mandate had been unworkable from the beginning, the Partition Scheme was felt to be both workable and a just solution of the problem. He emphasized the incompatibility of the aims and demands of both the Arabs and Jews with regard to Palestine, and the changed situation in surrounding countries since the Mandate had been drafted. It was pointed out that the continuation of the policy of repression in Palestine would likely embroil Britain and Jews all over the world in a conflict with the Muslims. Partition was presented to the Commission as being the best and most hopeful, though not only the only conceivable solution. It had great merit in that it would establish a small Jewish State which would make possible the admittance of more Jews than the continuation of the Mandate.⁴⁴

The Permanent Mandates Commission, in the "preliminary opinion" which they drafted on Palestine for the Council of the

⁴⁴Barbour, op. cit., pp. 183.

League of nations, pointed out "that the present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission, more especially since that Commission spoke with the two-fold authority conferred on it by its impartiality and its unanimity, and was endorsed by the Government of Mandate itself."⁴⁵

The Council of the League of Nations authorized the British Government to proceed with its investigations and emphasized the importance of various minor reforms suggested by the Royal Commission.

The discussion in the Council was followed by a discussion in the Assembly where both the Jewish and Arab sides received a hearing. The Palestinian Arab leaders got the opinion from the Assembly that their case had been well presented and sympathetically received by the General Assembly.⁴⁶

Strong outside pressure was being exerted both in the Council of the League of Nations and from the United States Government which was a non-member of the League. The Council authorized the United Kingdom Government to explore the idea of partition, while pointing out that the Mandate must remain in force "until such time as it may be otherwise decided."⁴⁷ This was somewhat in line with the idea put forward at the Jewish Congress at Zurich.

⁴⁵R. I. I. A., Great Britain and Palestine 1915 to 1945, Royal Institute of International Affairs, London, 1946, p. 103.

⁴⁶Ibid., pp. 182.

⁴⁷Ibid., p. 107.

In other words, the British Government received the necessary authorization from the League of Nations to work out detailed schemes for partition without being committed to carry them into effect. Depending, of course, upon their acceptability to both parties concerned.

Just before the publication of the Royal Commission Report the U.S. Government had asked the British Government to elucidate on the official British position with respect to any change proposed in Palestine as arising out of that report. In an exchange of correspondence which followed, the United States Government made it plain that their position was based exclusively upon their obligation and purpose to provide for the protection of American interests in Palestine on a basis of equality with those of other Governments and their nationals, but that any proposal for a modification of the Palestine Mandate was a matter which directly concerned them.⁴⁸

The United States Government made it appear on the surface that their primary concern was the protection of the rights of the American Citizens in Palestine. However, the fact remained according to President Roosevelt, "that a Jewish population of some five million in the United States makes plain the extent of the U.S. interest in the great purpose of a National Jewish Home in Palestine."⁴⁹

⁴⁸Ibid.

⁴⁹President Roosevelt in a message of greeting to the National Conference for Palestine, February 1st, 1936.

CHAPTER III

PALESTINE PARTITION COMMISSION

The British Government informed the League Council in September 1937 of its intention to appoint a further special body to visit Palestine to submit proposals for a detailed scheme of partition. The terms of reference to the new commission were announced on the 4th of January, 1938 in a White Paper (Cmd. 5634). This Commission was to be known as the Woodhead or Palestine Partition Commission.⁵⁰

Chairman of the new Commission was Sir John Woodhead, K. C. S. I., C. I. E. with three other members and a Secretary. Under the terms of Cmd. 5634 of 4 January 1938, the Commission was directed to: "take into account the plan of partition outlined in Part III of the Report of the Royal Commission, but with full liberty to suggest modifications of that plan, including variation of the areas recommended for retention under British Mandate, and taking into account any representations of the communities in Palestine and Transjordan" -⁵¹

(1) to recommend boundaries for the proposed Arab and Jewish areas and the enclaves to be retained permanently or temporarily under the British Mandate which will -

(a) afford a reasonable prospect of the eventual establishment, with adequate security, of self-

⁵⁰ Palestine Partition Commission Report, op. cit., p. 7.

⁵¹ Ibid.

supporting Arab and Jewish States;

- (b) necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa; and
- (c) enable His Majesty's government to carry out the Mandatory responsibilities the assumption of which is recommended in the Report of the Royal Commission, including the obligations imposed by Article 28 of the Mandate as regards the Holy Places.

The Commission arrived in Jerusalem on 27 April 1938, but was boycotted by the Arabs and out of fifty-five sessions held in Jerusalem for the purpose of receiving evidence not a single Arab witness came forward to submit evidence.

Plan "A" of the Palestine Partition Commission

The Commission studied three plans - the first or Plan "A" (see map No. 2) was really a thorough study of the Partition Plan as suggested by the Royal (Peel) Commission.

Under Section (1) of the terms of reference, The Partition Commission was required to recommend boundaries for the proposed Arab and Jewish areas which would afford a reasonable prospect of eventually establishing self-supporting Arab and Jewish States. The Jewish State was to include the fewest possible Arabs and Arab enterprises and vice versa.⁵²

For a brief comparison and to readily understand how impossible that was, the following tables are included showing the relationship in the population and disparagement between Jews and

⁵²Ibid.

Arabs in the two proposed States:⁵³

POPULATION

	<u>Arab State</u>			<u>Jewish State</u>		
	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>
Urban	136,500	5,600	142,100	77,500	243,600	321,100
Rural	<u>348,700</u>	<u>1,600</u>	<u>350,300</u>	<u>217,200</u>	<u>61,300</u>	<u>278,500</u>
Total	485,200	7,200	492,400	294,700	304,900	599,600

LAND
(in dunums)

	<u>Arab State</u>			<u>Jewish State</u>		
	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>
Citrus land	26,600	1,300	27,900	78,600	135,900	214,500
Other cul- tivable land	3,018,000	28,300	3,046,300	2,153,000	730,700	2,883,700
Uncultivable land	3,963,000	7,400	3,970,700	1,623,100	273,600	1,896,700
Total land	7,007,900	37,000	7,064,900	3,854,700	1,140,200	4,994,900

It is readily discernable that while the proposed Arab State complied with Section (1) (b) of the terms of reference for Partition Commission it is not true of the proposed Jewish State. The number of Arabs in the Jewish State being 295,000 as against 305,000 Jews. The area of Arab land in the proposed Jewish State was also very large.

The Royal Commission plan had been largely predicated upon the assumption that by any process of exchange of land and transfer of populations, both States could become fairly homogeneous. However, it is apparent from the above tables that the Jews con-

⁵³Ibid., p. 81.

stituted a negligible percentage of the population of the proposed Arab State - some 7,200 out of a total population of 492,000 - and they held an even smaller proportion of the land - 37,000 dunums out of a total of 7,064,900. While in the Jewish State the Arabs constituted forty-nine per cent of the total population and they held approximately seventy-five per cent of the land - 3,855,000 dunums out of a total of 4,995,000 dunums. A voluntary exchange in the true sense of the word was, therefore, out of the question.⁵⁴

On an optimistic basis it was not likely that many Arabs could be transferred from the Jewish State to the Arab State as a result of improvements in irrigation development and methods of cultivation. Improvements such as these would have proven very costly and probably could not have provided settlement for much more than 50,000 or 60,000 Arabs from the proposed Jewish State.⁵⁵

The commission dealt with each district and sub-district relative to its capacity to absorb more people and its resettlement capacity. As for Beersheba, the well-borings had furnished little hope that that sub-district could support a larger agricultural population than it had at that time.

Improvements in the Jordan Valley would also have involved large expenditures and taken considerable time, and at most was thought to have been able to take care of only 49,000 settlers.

⁵⁴Palestine Royal Commission Report, op. cit., pp. 389 to 392.

⁵⁵E. S. C. O. Foundation, op. cit., p. 863.

A more economical utilization of the water from the springs in the southern part of the Beisan plain would have made a moderate amount of water available for development. But it is very unlikely that it would have offered resettlement opportunities for more than 4,000 people.⁵⁶

The conclusion reached for the Gaza sub-district was that provided that water of the right quality and in sufficient quantity were obtained intensive cultivation could be introduced over a considerable area. At best the change over would be a slow one.

The commission then turned to Galilee and was of the opinion that Galilee should not be included in the Jewish State. For this they had many valid reasons. In the first place, out of a population of some 90,000, only 2,900 were Jews, and out of an area of 1,357,000 dunums the Jews owned only 35,900. Of the Jewish population of 2,900, 2,000 lived in the town of Safad and 250 in the town of Acre. Jews formed less than four per cent of the total population and they owned less than three per cent of the land. Secondly, the Arabs in Galilee were vehemently opposed to the inclusion of that area in the Jewish State. The Commission felt that the inhabitants would resist such an inclusion by force; and Thirdly, they considered that it was likely, even if the Arab resistance were successfully crushed, that pacification would be

⁵⁶E. S. C. O. Foundation, op. cit., pp. 863.

only temporary, and that the area would remain a "running sore" in the body of the Jewish State.⁵⁷

The Commission was of the opinion that Galilee should not be put into a situation which would require military measures to suppress the indigenous population and they doubted whether any military suppression of Arab resistance in that area would result in permanent pacification. In their view, "the inclusion of Galilee in the Jewish State would create a minority problem which would endanger, not only the stability of that state, but the prospect of securing in the future friendly and harmonious relations between Arabs and Jews in the Middle East."⁵⁸

The Jews insisted and suggested to the Commission that twenty-five dunums of the Galilee plains and forty dunums of the hill land was a suitable "lot viable." The Commission disagreed with this figure and considered it too optimistic and suggested that under the best of conditions Galilee could only absorb an additional 15,000 people in so far as agriculture was concerned.

In 1937 the total population of Galilee was estimated at 91,000 persons. Of this number it was estimated by the commission that sixty-five per cent were deriving their livelihood from agriculture or some 60,000 people. According to the Commission figures, the maximum Galilee could support was 75,000, in other words, at that time it could have absorbed the difference in these

⁵⁷ Palestine Partition Commission Report, op. cit., pp. 85 to 86.

⁵⁸ Ibid., pp. 296 to 297.

two figures. The Commission also assumed that the natural increase in the Arab population of Palestine as a whole was around 2.5 per cent a year. Assuming that that rate held good for Galilee, the yearly increase, due to natural causes of the agricultural population in the area would be approximately 1,400 persons per year. The additional agricultural population which Galilee could have supported, if the land had been fully developed under the most favorable conditions, would have been absorbed by the natural increase of the existing population in about ten years.

Plan "B" of the Palestine Partition Commission

Plan "B" is really plan "A" with the two areas of Galilee and the southern section of that portion of the Jewish State lying south of the Jerusalem Enclave excluded. (See map No. 3.) The Jewish State would now largely consist of two large areas; First, a strip of territory running east and west along the plains of Esdraelon, Jezreel and Beisan, which at its narrowest part would be only about fifteen kilometers wide; and Secondly, a strip running north and south and including the greater part of the sub-district of Tiberias and the eastern part of the sub-district of Safad, which at its narrowest part would be between seven and eight kilometers wide.

From this point the commission proceeded to discuss the plan by first taking into consideration the vulnerability of the Jewish State to attack from the state of Galilee if it were to

become an Arab State. They stated "the boundary of Galilee where it marches with that of the proposed Jewish State would form a suitable defensive boundary for the protection of Galilee against an attack from the Jewish State, but would not constitute a suitable defensive boundary for the protection of the Jewish State if Galilee should pass under Arab control."⁵⁹

It seems quite clear that the Jews were succeeding in getting their point-of-view in front of the Commission. They were looking into the future and thinking of their country's security in case of war. For proof of this fact we have the following excerpt from the Commission's report:⁶⁰

We have been assured by the military authorities that, in case of war, Haifa would be untenable if Acre were in hostile hands; indeed, in their view, the defence of Haifa requires Acre to be in the hands of the power that holds Haifa. If, therefore, Haifa is in the Jewish State, Acre cannot be permitted to pass under Arab control. The reason for this is to be found in the relative positions of Haifa and Acre.

Haifa is situated at the southern end of the Bay of Acre, and the town of Acre at its northern end. The distance between the two places is only about thirteen kilometers, and guns placed at Acre would completely command Haifa.

The problem of what to do with Galilee seemed to pose the greatest obstacle to Plan "B." According to the previous viewpoint, if it were to become an Arab State it would threaten the

⁵⁹Ibid., p. 89.

⁶⁰Ibid., p. 90.

Jewish State and if it were to be placed under Mandatory control, it would contradict with Article 22 of the Covenant of the League of Nations which implied that in course of time the people of Palestine, like the other communities formerly belonging to the Turkish Empire should be enabled to stand by themselves.

If Galilee were put under mandate it would be in reality denying the Arabs their independence in order to secure the boundaries of the Jewish State. In the view of the Commission the problems created by Galilee alone were sufficient to doom Plan "B". However, they went on to discuss the problem of the port of Haifa. Haifa at that time was approximately half Jew and half Arab. The entire city was included in the proposed Jewish State under Plan "B". This would have meant the bringing of about 50,000 Arabs under Jewish rule, and it was estimated at that time that some forty per cent of the export import trade of the port was in non-Jewish hands.

For their final argument against Plan "B," the Commission presented the Jewish State as falling into three parts:⁶¹

(a) the part in the Maritime Plain south of Haifa and bounded on the north by a line running approximately east and west a short distance north of Zikhron Ya'akov, (See map No. 3,) in which the population was 54,000 Arabs and 226,000 Jews;

(b) the town of Haifa itself in which there were at that

⁶¹Ibid., p. 96.

time 51,000 Arabs and 48,000 Jews; and

(c) the remainder, that is the portion which runs east and west from Haifa to Beisan and then north and south from Beisan to the northern boundary of Palestine which had a population of 83,000 Arabs and only 26,000 Jews.

In the first part the portion of Jews formed a large majority and the Arabs made up only nineteen per cent, and in the second part the Arabs and Jews were almost equal, while in the third portion the Arabs made up over seventy-five per cent of the population. In the opinion of the commission, if a plan of partition brought under the political domination of the Jews large numbers of Arabs in an area where the Jews were not already in a substantial majority, the operation of the plan would be violently opposed by the Arabs. Therefore, Plan "B" was no more acceptable than Plan "A."

Plan "C" of the Palestine Partition Commission

The commission, therefore, after a majority considered that Plan "B" was also unacceptable, put forward another plan while acting in full accord with their directive to take into account "the plan of partition outlined in Part III of the Report of the Royal Commission, but with full liberty to suggest modifications of that plan, including variation of the areas recommended for retention under British Mandate ... to recommend boundaries, etc."⁶²

⁶²Statement of Policy (Cmd. 5634) by His Majesty's Government issued on the 23rd of December 1937.

The boundaries as proposed by Plan "C" (see map No. 4) were as follows:⁶³

(a) The Arab State to be proposed as in Plan "B" subject to the following modifications:

- (1) a slight alteration in the north-west corner along the Carmel ridge; and
- (2) the exclusion of the Beersheba sub-district (except for a small area on the west) and the village lands of Rafah.

(b) The boundary of the Jerusalem Enclave was to be as proposed under Plan "B."

(c) The Jewish State was to consist of the coastal area between Tel-Aviv and the Carmel Ridge, and of the portion south of the Jerusalem Enclave as proposed in Plan "B" throughout, except on the north, where it will be cut off from Haifa about 24 kilometers south of that town.

(d) The whole of the territory, including Haifa itself, north of this line and of the northern boundary of the Arab State, was to be retained under Mandate.

(e) The Beersheba sub-district (except for a small area on the west) and the village lands of Rafah was to be retained under Mandate control.

Under this plan Palestine was also to fall into three parts. (See map No. 4.) A northern part, to be retained under Mandate, and to be known as the Northern Mandated Territory; a southern part, also to be retained under Mandate and to be known as the Southern Mandated Territory; and a central part consisting of all the territory between the other two which was to be partitioned.⁶⁴

The Commission then proceeded to discuss each of the three areas. First, in the case of the Northern Mandated Territory, Haifa was approximately fifty per cent Arab and Jew and to assign

⁶³Palestine Partition Commission Report, *op. cit.*, pp. 101 to 102.

⁶⁴Ibid.

it to one or the other would be inflicting a great injustice upon the other. They also foresaw an industrial expansion for it in which it would afford supplementary employment to the large numbers of Arabs from the surrounding country. If Haifa were to be included in the Jewish State, Arabs outside that state would no longer be allowed to enter it to seek employment and the effect of this on the economy of the territories in which these Arabs resided would have been serious.

They, therefore, concluded that Haifa could not be included in either a Jewish or Arab State without serious detriment to the interests of the other.

They also concluded that it was impossible "to put Galilee into the Jewish State without injury to the Arabs resident in that area, who formed some ninety-six per cent of the population and owned about the same per centage of the land."⁶⁵

Likewise, it was true for the Haifa Bay Plain, the Plains of Esdraelon, Jezreel, Beisan and Huleh areas. It was not practicable to include these plains alone in the Jewish State, nor could the whole area including both Galilee and the plains, be assigned to the Arab State without an injustice to the Jews and a violation of the charge to include the fewest possible Jews and Jewish enterprises in the Arab State.

There was also the matter of the Christians, of whom there were some 30,000 in the northern area outside of Nazareth. Evidence given before the commission showed that they preferred to remain

⁶⁵Ibid., pp. 103 to 104.

under the British Mandate, rather than to be included in either a Moslem or a Jewish State.

All the above considerations pointed irresistably to the conclusion that it was not possible to partition the northern section of Palestine without injustice to either Arabs or Jews.

The Commission then recommended that the northern section remain under Mandate until the Jews and Arabs in the area agree to ask that it should be surrendered and the area be given its independence, either as part of an existing Jewish or Arab State, or as a separate Palestinian State. They also explained that by "agreement" they did not mean to imply unanimity on both sides, but that both the Mandatory and the League of Nations must be satisfied that the greater part of the minority race was in agreement with the greater part of the majority race.⁶⁶

For the Southern Mandated Territory the Royal Commission had worked on the assumption that the area consisted of a "practically inexhaustible supply of cultivable land."⁶⁷ However, boring tests had produced disappointing results in so far as irrigation water was concerned. To include the Negev in the Arab State would have meant that the Jews would forthwith have been precluded from all hope of settling in any part of that vast and sparsely inhabited area. The Commission felt that the Jews should be afforded the opportunity of settling and developing this vast area.

⁶⁶Ibid.

⁶⁷Ibid., p. 105.

They also felt that funds might be forthcoming from Jewish sources for the development of the area. The final argument of the Commission was that if the Negev was to be developed to the interest of both the Arabs and Jews it had to be retained under Mandate.

The Central Part of Palestine was the only part under Plan "C" which the Commission felt could be subjected to partition without injury to either Arabs or Jews. This recommendation for partitioning was to be identical with that of Plan "B," with the exception of the northern end of the coastal area and the Carmel Ridge. Here it would be necessary to draw two new boundary lines, one cutting off the Jewish State in the coastal area from the northern section, which was to be retained under Mandate, and the other modifying the line between the Jewish State and the Arab State in the hill country of Samaria. (See map No. 4.)

The arguments then put forth for Plan "C" were as follows: ⁶⁸

- (1) It was impossible, without injustice to either Arabs or Jews, to partition the northern territory. Nor could the territory be handed over intact to either side.
- (2) It was also impossible to hand over the Negev to the Jews without a violation of the commission's terms of reference, while it would be unfair to the Jews to hand it over to the Arabs so long as there remained any reasonable prospect of Jewish settlement taking place therein without prejudice to the rights of the existing inhabitants.
- (3) Both the northern and the southern territories should, in the opinion of the commission, have been retained under Mandate for an indefinite period.
- (4) The only part of Palestine which was felt could be partitioned at the time was the central portion, within which the boundaries of the proposed Arab and Jewish States and of the Jerusalem Enclave would be as shown on map No. 4.

⁶⁸Ibid., p. 108.

The resulting figures as to land and population for the three different types of sovereignty would be as follows:⁶⁹

ARAB STATE

	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>
Population	444,100	8,900	453,000
Land	7,329,700	63,800	7,393,500

JEWISH STATE

	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>
Population	54,400	226,000	280,400
Land	821,700	436,100	1,257,800

TOTAL MANDATED TERRITORIES

	<u>Arabs</u>	<u>Jews</u>	<u>Total</u>
Population	502,800	157,400	660,200
Land	6,160,200	811,500	6,971,700

From the above figures it is readily apparent that the Arab minority in the Jewish State under Plan "C", was still substantial. The commission was concerned for this large minority and they stated that "while we have no doubt that the Jews will be prepared to furnish full guarantees for the liberal treatment of the Arab minority, we consider that every effort should be made to encourage and assist the voluntary transfer of Arabs from the Jewish State."⁷⁰

The Commission had reached the conclusion that there was

⁶⁹Ibid., p. 109.

⁷⁰Ibid.

land available for the resettlement of the large number of Arabs who were included in the Jewish State under Plan "A," but they now suggested that it would be possible to resettle a small portion of those who would be included in the Jewish State under Plan "C." They suggested limited possibilities for resettlement in the existing Jewish land at that time in the Northern Mandated Territory for the Arabs. They also suggested "that negotiations should be entered into with the Jews with a view to obtaining a definite undertaking for them to finance, within reasonable limits, the cost of such transfer and re-settlement in the Arab State or the Mandated Territories."⁷¹

As previously stated the boundary for the Jerusalem Enclave for Plan "C" was to be the same as that in Plan "B." However, it had been proposed that the Jerusalem Enclave should be extended to the south so as to include the town of Hebron, twenty-nine kilometers south of Jerusalem. For the Jews Hebron possesses great historical associations in that it contains the burial place of the Patriarchs and was the first capital of King David. Hebron was at the time an important Arab town with a population of 20,000 persons. There had been a small Jewish population before the disturbances of 1929, but the survivors had since left the town. The Commission held that to include Hebron in the mandated territory would mean the extension of the enclave boundary southward by

⁷¹Ibid., p. 114.

fourteen kilometers and would deprive the Arab State not only of an important town but also of a considerable rural population. They felt that they could not justify proposing such a large addition to the enclave in order to include therein the Jewish sacred places in Hebron.

Under Plans "B" and "C" Nazareth fell within the area which was proposed to be under Mandate. However, the Commission saw fit to make recommendations in case of the creation of an enclave at Nazareth. They drew attention to the desirability of preserving as far as possible the freedom of movement which then existed between one part of Palestine and another; and to the need of maintaining unimpaired the freedom of access then enjoyed by the inhabitants of Palestine to places sacred to one or more of the three religions. These arguments they thought should apply with special force to the small enclave around Nazareth, and suggested that the arrangements should be made to facilitate movement between the Jewish and Arab States on the one hand and the Mandated Territories on the other. Such freedom of movement would be all the more necessary for the Nazareth Enclave.

Under Plan "C" the Sea of Galilee fell within the Mandated Territory. The commission did not feel that it would be necessary to put it under an enclave. In their view the sanctity of the waters and shores of the lake was of prime importance, especially, to Christians. A matter which had an important bearing on the protection of the sanctity of the waters of the lake was an

agreement between the Palestine Electrical Corporation and the High Commissioner. This agreement allowed the corporation to build a dam at a point where the River Jordan flows out of the lake and it was provisionally agreed that the maximum level of the lake should be fixed at 201 meters and the minimum level at 204.5 meters below sea-level.⁷²

In the conclusions of the majority report of the Commission was that partitioning involved two kinds of considerations: practical and political. The practical chiefly concerned finance and economics. They stated that the financial and economic difficulties were of such a nature that they could find no possible way to overcome them within their terms of reference.⁷³

They put forward the suggestion of economic federalism, whereby Palestine under Plan "C" would be without fiscal autonomy, and under which the Custom service would be administered and the fiscal policy determined by Great Britain as Mandatory. This would, of course, infringe the sovereignty of the independent Arab and Jewish States.⁷⁴

The final conclusions in the majority report were that "rather than report that we have failed to devise any practicable plan, we have proposed a modification of partition which, while it withholds fiscal autonomy from the Arab and Jewish States,

⁷²Ibid., p. 150.

⁷³Great Britain and Palestine, op. cit., pp. 108 to 109.

⁷⁴His Majesty's Government, The Political History of Palestine Under British Administration, Jerusalem, 1947, p. 26.

seems to us, subject to certain reservations, to form a satisfactory basis of settlement, if His Majesty's Government are prepared to accept the very considerable financial liability involved."⁷⁵

They further stated concerning the political difficulties

we cannot ignore the possibility that one or both of the parties may refuse to operate partition under any conditions. It is not our duty as a fact-finding Commission, to advise what should be done in that event. However, there is still the possibility that both sides may be willing to accept a reasonable compromise. We cannot feel confident that this will happen, but we put forward the proposals in the hope that they may form the basis of a settlement by negotiation."⁷⁶

Two members, Mr. Alison Russel and Mr. T. Reid, of the Commission wrote notes of reservations. One of these, that of Mr. Russel proposed the addition to the proposed Jewish State of the valleys of Esdraelon and Jezreel, with lakes Huleh and Tiberias, leaving the hills of Galilee outside but encircling them by Jewish Territory.⁷⁷ The following paragraph reveals his line of reasoning:⁷⁸

Finally in coming to a conclusion on plan "B" (modified) ... I regret that it can only offer to the Jewish State an area so small (considerably smaller than the county of Norfolk) and so inconvenient, but the facts as to the Arab population which I have set out above appear to me to be inescapable. As regards the Arabs, they should reflect on the immense areas of land over which Arabs have obtained sovereignty as the result of the Allied success in the Great War, to which the Jews contributed in no small measure.

⁷⁵Palestine Partition Commission Report, op. cit., p. 246.

⁷⁶Ibid.

⁷⁷Political History of Palestine Under British Administration, op. cit., p. 26.

⁷⁸Palestine Partition Commission, op. cit., p. 262.

Mr. T. Reid in his note of reservations, gave very convincing evidence on the factors which pointed against partition. Among the most important was the Absence of Consent; Absence of Equity; Absence of Security; Absence of Solvency and Dismemberment. In his final conclusions he stated the following:⁷⁹

In stating that partition is impracticable I am in accord with nearly 100 per cent of non-Arab and non-Jewish persons in Palestine, in direct contact with the problem, who by experience and impartiality are best qualified to judge. Probably most Arabs in Palestine and certainly many Jews in Palestine are of the same opinion. I am not a lonely recusant flying in the face of the facts or of the evidence My conclusions are purely negative, but our terms of reference compelled us to devise a scheme of partition and then to state if it were impracticable. In my argument I have adhered strictly to the mission I undertook, made use of the freedom to judge which was a condition of acceptance of that mission, and have not put forward any solution as an alternative to partition.

Simultaneous with the issuance of the Report of the Partition Commission, His Majesty's Government issued a White Paper⁸⁰ declaring in it the following:⁸¹

have reached the conclusion that this further examination has shown that the political, administrative and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine are so great that this solution of the problem is impracticable.

The British Government also announced its intention of convening a conference in London, at which they would seek to reach

⁷⁹Ibid., p. 280.

⁸⁰His Majesty's Service Government, Statement of Policy (Cmd. 5893), London, 1938.

⁸¹Palestine Partition Commission, op. cit., p. 26.

agreement with Arab and Jewish representatives on an alternative means of overcoming the difficulties.

The political climate into which the Woodhead Report emerged was not too appropriate. The autumn of 1938 was one of tension, in particular, the situation in Germany poisoned the international atmosphere in addition to initiating a more acute phase of an already serious refugee problem.

The Jewish Agency pointed out that the Commission's proposals dismembered the existing Jewish settlements by excluding from the "Jewish State" the greater part of Jewish land holdings, and the most important area of colonisation. The Zionist General Council deplored the lack of understanding of "Jewish homelessness and the deep Jewish Tragedy" shown by the Woodhead Commission.⁸²

The Arabs in general were less critical of the Report and of His Majesty's Government's proposals for the future than were the Jews. However, the Palestine Defense Committee in Damascus maintained "that the future of Palestine must be settled between the British and the Arabs without intervention of the Jews, and must involve the cession of no Arab Territory."⁸³

In England there was criticism of the apparent inability of the Government to produce peace and put an end to the discontent and rebellions in Palestine. The Secretary of State for Colonies

⁸²Great Britain and Palestine, op. cit., p. 111.

⁸³Ibid.

pointed out that the British Policy should do something to alleviate the fears of the Arabs from Jewish domination. Also at the same time it had to avoid putting Jews under any form of Arab rule. Concessions would have to be made on both sides and to give up at this point in their search for a solution would merely mean tying up a great part of the British Army in Palestine indefinitely.

In May 1939 came the White Paper⁸⁴ which was to clearly enunciate Britain's policy for Palestine for the next few years, at least, in so far as partitioning was concerned.

The statement first defined the attitude of His Majesty's Government towards the maximum claims of both Arabs and Jews: "now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State."⁸⁵ It further went on to state: "They ... cannot agree that the McMahon correspondence forms a just basis for the claim that Palestine should be converted into an Arab State."

The next thing which seemed to put a damper on partitioning was the statement of the objective of His Majesty's Government:⁸⁶

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.

It also pointed out that before such a State could be established, there would have to be a period of transition in which

⁸⁴His Majesty's Service Government, Statement of Policy (Cmd. 6019), London, 1939.

⁸⁵Ibid.

⁸⁶Political History of Palestine Under British Administration, op. cit., p. 27.

the Mandatory would attempt to improve relations between the two communities and to build up the machinery of self-government. During such a period, Palestinians, Arabs and Jews, would be placed in charge of the Departments of Government approximately in proportion to their respective population.

The last section of the White Paper dealt with the transfer of land from Arab to Jewish ownership:⁸⁷

The Reports of several expert Commissions have indicated, that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created. In these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land. These powers will date from the publication of this statement of policy and the High Commissioner will retain them throughout the transitional period.

The Zionist bitterly condemned the White Paper of 1939 and declared that the Jewish people would not acquiesce in the reduction of its status in Palestine to that of a minority.

The Arabs criticized the length of the period of transition, the provisions for its possible prolongation, and the proposal that representatives of the mandatory power should participate in framing the constitution of the independent State. There were, however, signs that the Arabs would, in practice, be ready to acquiesce in the application of the new policy.

⁸⁷Ibid.

This new statement of policy was examined by the Permanent Mandates Commission at their thirty-sixth session in June, 1939. Four of the seven members "did not feel able to state that the policy of the White Paper was in conformity with the Mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the Mandate and by the fundamental intentions of its author^s." On the other hand the other three members felt they "were unable to share this opinion they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it."⁸⁸

The British Government had planned to seek the approval of the League Council for the new policy. This, however, they were prevented from doing by the outbreak of war in September 1939.

During the years of World War II (1939 to 1945), there was very little done in the way of partitioning. However, the Palestine Government did in February 1940 promulgate the Land Transfers Regulations set down in the White Paper of 1939. The country was divided into three zones. In the largest of these zones, all transfers of land to persons other than Palestinian Arabs were prohibited except under special conditions obtained from the High Commissioner. In the second zone, Palestinian Arabs could not transfer their land except to another Palestinian Arab without special permission. In the third and smaller zone which included a large part of the

⁸⁸Ibid.

coastal plain and all municipal areas no restrictions were placed upon the transfer of land.

During the War years, immigration to Palestine had been greatly reduced due to the difficulties of escape from Europe as well as transportation. However, the desire and demand upon the mandatory was for a greatly increased quota for the Jews into Palestine. This demand was particularly strong in the United States with all its political significance and prompted President Truman to suggest to the Mr. Attlee that the British grant concessions for 100,000 Jews to be admitted to Palestine immediately. The British could not go along with this abrupt proposal and suggested the appointment of a joint committee of inquiry for the purpose of studying the situation.⁸⁹

⁸⁹Ibid., p. 34.

CHAPTER IV

ANGLO-AMERICAN COMMITTEE OF INQUIRY REGARDING THE PROBLEMS OF EUROPEAN JEWRY AND PALESTINE

A joint body was then appointed consisting of American and British members which met in Washington on the 4th of January 1946 with the following Terms of Reference:⁹⁰

(1) To examine political, economic and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the well-being of the peoples now living therein.

(2) To examine the position of the Jews in those countries in Europe where they have been the victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those who wish or would be impelled by their conditions to migrate to Palestine or other countries outside Europe.

(3) To hear the views of competent witnesses and to consult representative Arabs and Jews on the problems of Palestine as such problems are affected by conditions subject to examination under paragraph 1 and paragraph 2 above and by other relevant facts and circumstances, and to make recommendations to His Majesty's Government and the Government of the United States for ad-interim handling of these problems as well as for their permanent solution.

(4) To make such other recommendations to His Majesty's Government and the Government of the United States as may be necessary to meet the immediate needs arising from conditions subject to examination under paragraph 2 above, by remedial action in the European countries in question or by the provision of facilities for emigration to and settlement in countries outside Europe.

⁹⁰His Majesty's Service Government, Report of the Anglo-American Committee of Enquiry, London, 1946, pp. 1 to 2.

Public sessions were later held in London on 25 January 1946 and the committee broke up into sub-committees, and proceeded on investigations into Germany, Poland, Czecho-Slovakia, Austria, Italy, and Greece, before going to Palestine. The Committee first went to Cairo and after holding sessions there reached Jerusalem on 6 March 1946. In Palestine the sessions were interspersed with trips throughout the countries of the Arab Middle East in order to acquaint themselves with first-hand information. Sub-Committees visited the capitals of the Arab Countries in Syria, Lebanon, Iraq, Saudi Arabia and Transjordan and endeavored to interview in so far as possible responsible leaders of these mentioned countries.⁹¹

Prominent Arabs and Jews were invited to appear before the Committee and also to present written evidence relative to the Palestine problem. Both sides presented written material⁹² to the committee so that in their sessions in Palestine the members had an opportunity to read literature giving both the Arab and Jewish viewpoints.

The Arab point of view was given to the committee by means of a brief presentation of the Arab case in Washington, statements made in London by delegates from the Arab States to the United Nations, and a statement from the Secretary-General and other representatives of the Arab League in Cairo. In addition the Sub-Committees

⁹¹Ibid., p. 1.

⁹²The Arab Office in Jerusalem published a fifteen (15) page pamphlet entitled "The Problem of Palestine" and submitted it to the Committee, while the Jewish Agency published a booklet entitled "The Jewish Plan for Palestine" and submitted it to the Committee.

visiting in Baghdad, Riyadh, Damascus, Beirut, and Amman were supposedly informed of the governmental attitude and also heard some unofficial spokesmen.

The opening paragraph from the pamphlet submitted to the Anglo-American Committee of Inquiry pretty well states the basis for the Arab claims:⁹³

The whole Arab people is unalterably opposed to the attempt to impose Jewish immigration and settlement upon it, and ultimately to establish a Jewish State in Palestine. Its opposition is based primarily upon right. The Arabs of Palestine are descendents of the indigenous inhabitants of the country, who have been in occupation of it since the beginning of history; they cannot agree that it is right to subject an indigenous population against its will to alien immigrants, whose claim is based upon a historical connection which ceased effectively many centuries ago. Moreover they form the majority of the population; as such they cannot submit to a policy of immigration which if pursued for long will turn them from a majority into a minority in an alien state; and they claim the democratic right of a majority to make its own decisions in matters of urgent national concern.

The Arabs based their claims to Palestine primarily upon the fact they had occupied the country for more than a thousand years and denied the Jewish historical claims to Palestine. They maintained that in issuing the Balfour Declaration, the British Government had given away something which they did not have.

They denied that the part played by the British in freeing them from the Turks gave Great Britain a right to dispose of their country. Indeed they asserted that Turkish was preferable to

⁹³The Arab Office, The Problem of Palestine, Evidence Submitted to the Anglo-American Committee of Inquiry, Jerusalem, 1946, p. 1.

British rule, if the latter involved their eventual subjection to the Jews.⁹⁴ They also pointed out to the committee that all the surrounding Arab States had been granted independence. They argued, with ample evidence to support their argument, that they were just as much advanced as the citizens of the nearby States. The Arabs attached great importance to the fulfillment of the promises made by the British Government in the White Paper of 1939. King Abdul Aziz ibn Saud made clear to three Committee members in Riyadh the feelings the Arabs had toward the promises and assurances given him by President Roosevelt at their meeting in February 1945. He also assured them of the strain which would be placed upon Arab friendship with Great Britain and the United States by any policy which Arabs regarded as a betrayal of these pledges.

In the Arab point of view, any solution of the problem which had been created by Zionists aspirations must satisfy certain conditions:⁹⁵

(1) It must recognize the right of the indigenous inhabitants of Palestine to continue in occupation of the country and to preserve its traditional character.

(2) It must recognize that questions like immigration which affect the whole nature and destiny of the country, should be decided in accordance with democratic principles by the will of the population.

(3) It must accept the principle that the only way by which the will of the population can be expressed is through the establishment of responsible representative government.

⁹⁴Ibid.

⁹⁵Ibid., p. 8 to 9.

(4) This representative Government should be based upon the principle of absolute equality of all citizens irrespective of race and religion.

(5) The form of Government should be such as to make possible the development of a spirit of loyalty and cohesion among all elements of the community, which will override all sectional attachments.

(6) The settlement should recognize the fact that by geography and history Palestine is inescapably part of the Arab world; that the only alternative to its being part of the Arab world and accepting the implications of its position is complete isolation, which would be disastrous from every point of view; and that whether they like it or not the Jews in Palestine are dependent upon the goodwill of the Arabs.

(7) The settlement should be such as to make possible a satisfactory definition within the framework of U.N.O. of the relations between Palestine and the Western Powers who possess interests in the country.

(8) The settlement should take into account that Zionism is essentially a political movement aiming at the creation of a Jewish state, and should therefore avoid making any concessions which might encourage Zionists in the hope that this aim can be achieved in any circumstances.

On the matter of partitioning and the establishment of a Jewish State in any part of Palestine, the Arabs declared it would be unjust to impose it on any part of the country. They maintained and as the Woodhead Commission bore out, some of the practical difficulties of partitioning would be that commerce would be strangled, communications dislocated, and public finances upset. They also felt that partition would not satisfy the Zionists. Zionism was a political movement aiming at the complete domination of the whole of Palestine and once they obtained a foothold in part of Palestine it would serve as a base of operations to absorb more and more Jews until eventually the pressure of population

would necessitate them pressing for more territory which would eventually lead to enmity with the surrounding Arab states.⁹⁶

The Jewish attitude was presented to the Committee by a series of three public hearings. First, in Washington by the American Zionists, second, in London by the British Zionists, and thirdly by the Jewish Agency in Jerusalem. Several noted Zionists appeared before the Committee in Jerusalem, chief among whom was Dr. Chaim Weizmann.⁹⁷ The policy they advocated was basically the same in that they wanted the adoption of the so-called Biltmore Program of 1942,⁹⁸ with an additional demand that 100,000 certificates for immigration into Palestine should be issued immediately to relieve the distress in Europe. They also demanded "that the Mandatory should hand over control of immigration to the Jewish Agency and that it should abolish restrictions on the sale of land and to proclaim as its ultimate aim the establishment of a Jewish State as soon as a Jewish majority had been achieved."⁹⁹

The committee also heard the Jewish opponents of Zionism. Those in America and Britain who advocated assimilation as an alternative to Jewish nationalism and a second group, Agudath

⁹⁶Ibid., pp. 11 to 12.

⁹⁷In addition to Dr. Weizmann there were statements from the following: Mr. M. Shertok, Mr. D. Ben Gurion, Rabbi J. L. Fishman, Mr. D. Horowitz, Mr. F. Bernstein and Mr. E. Kaplan.

⁹⁸In 1942 American Zionists, meeting at the Biltmore Hotel in New York adopted what since has been known as the Biltmore Program. This program, which was adopted by the World Zionist Organization, declared for the first time that the aim of Zionism was a Jewish "common wealth" in Palestine.

⁹⁹Anglo-American Committee of Inquiry, op. cit., p. 26.

Israel, an organization of Orthodox Jews who supported unrestricted Jewish immigration into Palestine while objecting to the secular tendencies of Zionism. Then there was a third group which represented an important section of Middle Eastern Jewry, many of whom feared that their friendly relations with the Arabs were being endangered by political Zionism.¹⁰⁰

Palestinian Jewry at the time was riddled with party differences. The number of political newspapers and periodicals bore witness to the great number of differences in the political life. However, one of the main complaints of the Jews of Palestine was that since the White Paper of 1930, the Mandatory Power had slowed up the development of the National Home in order to placate Arab opposition. Also the sudden rise of immigration after the Nazi seizure of power had as a direct result the three and one half years of Arab revolt. During this time the Jews had trained themselves for self-defense, and had accustomed themselves to a life of a pioneer in an armed stockade. Watchtowers and high barbed wire, manned by the settlers and settlement police were familiar sights to visitors wherever the Jewish collective colonies existed.¹⁰¹

The Jews in Palestine seemed to be convinced that the Arab violence of 1936 had paid off. They felt that their reward for

¹⁰⁰ Report of Anglo-American Committee of Inquiry, op. cit., p. 28.

¹⁰¹ Ibid.

self-restraint during this period was the White Paper of 1939.

The Jews argued that the Mandatory Power;¹⁰²

yielded to force, cut down immigration, and thus caused the death of thousands of Jews in Hitler's gas chambers. The Arabs, who had recourse to violence, received substantial concessions, while the Jews, who had put their faith in the Mandatory, were compelled to accept what they regarded as a violation of the spirit and the letter of the Mandate.

They also claimed that the success of Arab terrorism had been the beginning of Jewish terrorism and caused a closing of the ranks and a tightening of the discipline, and a general militarization of Jewish life in Palestine.

The Committee found that the Jewish Agency had become so powerful that its failure to cooperate with the Mandatory in carrying out the terms of the White Paper had undermined the administration. The Jewish Agency had been legalized by Great Britain under the terms of the Mandate:¹⁰³

An appropriate Jewish Agency shall be recognized as a public body for the purpose of advising and cooperating with the administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the administration, to assist and take part in the development of the country ... the Zionist Organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish National Home.

¹⁰²Ibid.

¹⁰³The Jewish Agency for Palestine was recognized in 1930 in lieu of the Zionist Organization as the appropriate Jewish agency under article 4 of the Mandate for Palestine.

The Committee concluded their discussion on the Jewish Agency by stating - ¹⁰⁴

present relations between the government and the Jewish Agency must be corrected if the general welfare is to be promoted and the cause of peace in that crucial area of the World is to be protected. Unless this is achieved, Palestine might well be plunged into a civil war, involving the whole Middle East.

The Committee did not limit its witnesses exclusively to those on the political issues but also heard representatives of Christian churches. Arab Christians at the time were estimated to number some 125,000. Their delegation was led by the Greek Catholic Archbishop of Galilee, and they declared their complete solidarity with the Moslem Arabs in the demand for an independent Arab State. The non-Palestinian Christian groups were unable to speak with a common voice of unity and according to the Committee "the lamentable fact that there is no single spokesman in Palestine for Christendom tends to obscure the legitimate Christian interests in the Holy Land, which must be safeguarded in any solution of the national problem."¹⁰⁵

The Committee further stated that -

the extent to which the Holy Places, sacred to Christians, Moslems and Jews, are interspersed is often not fully appreciated. It is impossible to segregate the Holy Places sacred to the three great religions into separate geographical units. They are scattered over the whole of Palestine, and not, as is often imagined, confined to the Jerusalem and Nazareth areas.¹⁰⁶

¹⁰⁴Report of the Anglo-American Committee of Inquiry, op. cit., p. 18.

¹⁰⁵Ibid., p. 33.

¹⁰⁶Ibid.

The Committee then quoted General Allenby on the responsibility of the Christian world toward Palestine:¹⁰⁷

Furthermore, since your City is regarded with affection by the adherents of three of the great religions of mankind, and its soil has been consecrated by the prayers and pilgrimages of multitudes of devout people of these three religions for many centuries, therefore do I make known to you that every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary place of prayer, or whatsoever form of the three religions, will be maintained and protected according to the existing customs and beliefs of those to whose faiths they are sacred.

According to the Committee, the Palestine administration appeared powerless to keep the situation under control without the display of very large forces. They further stated that as a consequence of the previous mentioned claims and aspirations of the Arabs and Jews that conditions in the Holy Land were;¹⁰⁸

scarred by shocking incongruities. Army tents tanks, a grim fort and barracks overlook the waters of the Sea of Galilee. Block houses, road barriers manned by soldiers, barbed wire entanglements tanks in the streets, peremptory searches, seizures and arrests on suspicion, bombings by gangsters and shots in the night are now characteristic ... A curfew is enforced, and the press of Palestine is subject to censorship. Palestine has become a garrisoned but restive land, and there is little probability that the tranquility dear to people of good will, Jews, Moslems and Christians alike, will be restored until vastly better relations are established among the principal elements of the community, including the administration.

The Committee completed their work within the one hundred and twenty days specified. In their final report, they had ten primary recommendations with comments on each one. Under its

¹⁰⁷General Allenby in a Proclamation which he made on the occasion of the occupation of Jerusalem on the 11th December, 1917.

¹⁰⁸Report of the Anglo-American Committee of Inquiry, op. cit., p. 18.

original terms of reference the Committee was to study the problems regarding European Jewry and Palestine, and their recommendations were the result of all these studies: the position of the Jews in Europe; the political situation in Palestine; geography and economics; the Jewish attitude; the Arab attitude; Christian interests in Palestine; Jews, Arabs, and Government and Public Security.

The following is an enumeration of the ten recommendations as it is felt they form the basis for so much of later policy recommendations:¹⁰⁹

(1) We have to report that such information as we received about countries other than Palestine gave no hope of substantial assistance in finding homes for Jews wishing or impelled to leave Europe. But Palestine alone cannot meet the emigration needs of the Jewish victims of Nazi and Fascist persecution. The whole world shares responsibility for them and indeed for the resettlement of all "Displaced Persons." We, therefore, recommend that our governments together, and in association with other countries, should endeavor immediately to find new homes for all such "Displaced Persons," irrespective of creed or nationality, whose ties with their former communities have been irreparably broken. Though emigration will solve the problems of some victims of persecution, the overwhelming majority, including a considerable number of Jews, will continue to live in Europe. We recommend, therefore, that our governments endeavor to secure that immediate effect is given to the provision of the United Nations Charter calling for "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

(2) We recommend (A) that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of Nazi and Fascist persecution;

¹⁰⁹Ibid., pp. 1 to 18.

(B) that these certificates be awarded as far as possible in 1946 and that actual immigration be pushed forward as rapidly as conditions will permit.

(3) In order to dispose, once and for all, of the exclusive claims of Jew and Arabs to Palestine, we regard it as essential that a clear statement of the following principles should be made:- I. That Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine. II. That Palestine shall be neither a Jewish state nor an Arab state. III. That the form of government ultimately to be established, shall, under International Guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish faiths.

Thus Palestine must ultimately become a state which guards the rights and interests of Moslems, Jews and Christians alike: and accords to the inhabitants, as a whole, the fullest measure of self-government, consistent with the three paramount principles set forth above.

(4) We have reached the conclusion that the hostility between Jews and Arabs and, in particular, the determination of each to achieve domination, if necessary by violence, make it almost certain that, now and for some time for come, any attempt to establish either an independent Palestinian state or independent Palestinian states would result in civil strife such as might threaten the peace of the world. We, therefore, recommend that, until this hostility disappears, the government of Palestine be continued as at present under mandate pending the execution of a Trusteeship Agreement under the United Nations.

(5) Looking towards a form of ultimate self-government, consistent with the three principles laid down in Recommendation No. 3, we recommend that the Mandatory or Trustee should proclaim the principle that Arab economic, educational and political advancement in Palestine is of equal importance with that of the Jews, and should at once prepare measures designed to bridge the gap which now exists and raise the Arab standard of living to that of the Jews; and so bring the two peoples to a full appreciation of their common interest and common destin in the land where both belong.

(6) We recommend that pending the early reference to the United Nations and the execution of a trusteeship agreement, the Mandatory should administer Palestine according to the mandate which declares with regard to immigration that "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."

(7) (A) We recommend that the Land Transfers Regulations of 1940 be rescinded and replaced by regulations based on a policy of freedom in the sale, lease or use of land, irrespective of race, color or creed; and providing adequate protection for the interests of small owners and tenant cultivators. (B) We further recommend that steps be taken to render nugatory and to prohibit provisions in conveyances, leases and agreements relating to land which stipulate that only members of one race, community or creed may be employed on or about or in connection therewith. (C) We recommend that the Government should exercise such close supervision over the Holy Places and localities such as the Sea of Galilee and its vicinity as will protect them from desecration and from uses which offend the conscience of religious people; and that such laws as are required for this purpose be enacted forthwith.

(8) Various plans for large-scale agricultural and industrial development in Palestine have been presented for our consideration; these projects if successfully carried into effect, could not only greatly enlarge the capacity of the country to support an increasing population, but also raise the living standards of Jew and Arab alike.

We are not in a position to assess the soundness of these specific plans; but we cannot state too strongly that, however, technically feasible they may be, they will fail unless there is peace in Palestine. Moreover their full success requires the willing co-operation of adjacent Arab State, since they are not merely Palestinian projects. We recommend, therefore, that the examination, discussion and execution of these plans be conducted, from the start and throughout, in full consultation and co-operation not only with the Jewish Agency but also with the governments of the neighboring Arab States directly affected.

(9) We recommend that, in the interests of the conciliation of the two peoples and of general improvement of the Arab standard of living, the educational system of both Jews and Arabs be reformed including the introduction of compulsory education within a reasonable time.

(10) We recommend that, if this report is adopted, it should be made clear beyond all doubt to both Jews and Arabs that any attempt from either side, by threats of violence, by terrorism, or by the organization or use of illegal armies to prevent its execution, will be resolutely suppressed.

Furthermore, we express the view that the Jewish Agency should at once resume active co-operation with the Mandatory in the suppression of terrorism and of illegal immigration, and in the maintenance of that law and order throughout Palestine which is essential for the good of all, including the new immigrants.

The report of the Committee was released on 30 April 1946 and at the same time the U.S. Department of State sent under instruction from the President a copy of the report together with a memorandum outlining certain considerations which had prompted the government of the United States to consult Jewish and Arab representatives regarding the report. Comments and suggestions on the report were called for within thirty days by the Government of the United States.

The comments from both Arabs and Jews centered about recommendation (2) which called for the immediate admittance of 100,000 Jews to Palestine. In their general comments on the recommendations of the Committee, the Institute of Arab American Affairs remarked:¹¹⁰

we appreciate the interest our government is taking toward the promotion of friendly and helpful relations with the Near Eastern countries ... but we fail to see how such friendly relations can ever be promoted or even maintained by the President's advocacy for the immigration of 100,000 Jews into Palestine against the wishes of the people.

From the Jewish side, they were pleased with recommendation number two which they wanted executed immediately, but they were

¹¹⁰The Institute of Arab American Affairs, Memorandum on the Recommendations of the Anglo-American Committee of Inquiry, New York, 1946, p. 10.

not so happy with recommendations three and four which explicitly rejected any form of dividing Palestine. The statements that "Palestine shall be neither a Jewish nor an Arab State," and from recommendation number four "that, now and for some time to come, any attempt to establish either an independent Palestinian state or independent Palestinian states, would result in civil strife such as might threaten the peace of the world" pretty much stifled the Jewish aims.¹¹¹

The British could not agree to the immediate issuance of certificates of admittance to 100,000 Jews into Palestine and stated that they were not able to give effect to the Report with their own financial and military resources and set as a prerequisite to the admission of 100,000 immigrants the disbandment and disarmament of illegal military formation in Palestine.¹¹²

¹¹¹Political History of Palestine, op. cit., p. 35.

¹¹²Ibid., p. 36.

CHAPTER V

THE MORRISON-GRADY PLAN OF PROVISIONAL AUTONOMY

British and American officials met in London to try to work out a plan in conformity with the recommendations of the Committee. In July a small "Technical Committee" headed by Herbert Morrison of England and with Henry F. Grady, then U.S. Ambassador to England as the chief U.S. representative proposed the plan for provisional Autonomy. (See map No. 7a.) Their plan was along the lines with recommendation three of the Anglo-American Committee of Inquiry and they envisaged converting the mandate into a trusteeship and dividing the country into "an Arab province and a Jewish province, each with a measure of administrative autonomy, a Jerusalem district and a district of the Negev administered directly by the Central Government."¹¹³

The Central Government was to be under a British High Commissioner who would rule directly the Jerusalem enclave and the Negev and exercise sole authority over defense, foreign relations, customs and excise and initially have supreme authority over police, prisons, courts, railways, Haifa harbor, communications, civil aviation, broadcasting, and antiquities. The two provinces were to be given autonomy in purely intra-community

¹¹³Manuel, Frank E., The Realities of American-Palestine Relations, Public Affairs Press, Washington, 1949, p. 326.

matters. Each province was to elect a legislative chamber, however; for five years the presidents of the chambers would be appointed by the High Commissioner, whose approval would be required before any legislation passed by the two bodies became law.¹¹⁴

As for the Negev it would remain under direct British administration until the completion of a survey into its development possibilities.

The 100,000 Jewish immigrants as proposed by the Anglo-American Committee of Inquiry were to be admitted after it was decided to put into effect the scheme as a whole. The United States was to be called upon to undertake all responsibility for the sea transportation of the refugees to Palestine. After delivering them to Palestine, the British would retain final control over immigration. However, each province would be empowered to make recommendations to the central government, which would base its decisions on the "economic absorptive capacity" of that particular province.

The full implementation of the plan, of course, was to depend upon the United States cooperation and its acceptance by the Arabs and Jews. In addition the United States was to be called upon to finance a loan of some \$300,000,000.00 for development schemes in Palestine.¹¹⁵

¹¹⁴Hurewitz, op. cit., p. 258.

¹¹⁵Ibid., p. 261.

Evidently the basic differences between the Atlee Government and the White House had not been resolved to anyone's satisfaction. Oliver Stanley, Colonial Secretary, criticized the Labor Government for having allowed the time and effort to be expended by the Anglo-American Committee in searching for a solution, when the "present plan" had been at the Colonial Office all the time. According to Kirk, "the Government might have replied that the wear and tear of one year's troubled administration of Palestine was not a heavy price to pay if the United States Government could be at length induced to share the responsibility for a solution."¹¹⁶ Churchill proposed that the Government should say "that if the United States will not come and share the burden of the Zionist cause, as defined are as agreed we should now give notice that we will return our Mandate to U.N.O. and that we will evacuate Palestine within a specified period."¹¹⁷

However the British were a little reluctant to carry out the above threat as Palestine at this time had become of great strategic importance for the redeployment of their forces in the Middle East in order to protect the Suez Canal.

For Britain's desire to hold part of Palestine to protect

¹¹⁶Kirk, op. cit., p. 225.

¹¹⁷Ibid.

the Suez Canal we have the words of Sir Winston Churchill when he declared, "His Majesty's Government by their precipitate abandonment of their treaty rights in Egypt and, in particular, the Suez Canal zone, are now forced to look for ... a jumping-off ground in Palestine in order to protect the Canal from outside Egypt."¹¹⁸

In the United States there were several factors at work against the Morrison-Grady plan. For quite apart from the traditional reluctance of the United States Government and people to assume overseas commitments in time of peace, there was Congressional campaign for the elections of November. It was only natural to expect the Democratic party to try to outbid and compete with the Republicans for the votes of the powerful Zionist pressure groups.

President Truman in his indecision reconvened the six United States members of the Anglo-American Committee to discuss the new plan with his Cabinet committee "alternates" newly returned from London. The former group regarded the plan as a "radical departure from their own earlier recommendations and unanimously recommended its rejection."¹¹⁹ In consequence, of this, Truman did not endorse the Morrison-Grady scheme, and by August temporarily withdrew from efforts to find a solution for the Palestine impasse.

The Jews were quite loud in their condemnation of the plan and the Jewish Agency stated:¹²⁰

¹¹⁸Hurewitz, op. cit., p. 258.

¹¹⁹Kirk, op. cit., p. 226.

¹²⁰The Jewish Agency, The Jewish Plan for Palestine, Jerusalem, 1947, pp. 14 to 15.

The Morrison-Grady plan instead of implementing the recommendations of the Anglo-American Committee of Inquiry, in fact abandoned them. It made the authorization of the 100,000 permits contingent upon the acceptance by the Jews and Arabs of an entirely new and to both sides, unsatisfactory constitutional order in Palestine .. as for the future, while the area into which Jewish immigrants could move would be limited to 17 per cent of Western Palestine, the High Commissioner would retain over-riding jurisdiction to determine Jewish immigration in accordance with what, in his unfettered discretion, he judged to be the economic absorptive capacity of the area at any time. Past experience has shown that the principle could be so interpreted as to allow of a most arbitrary limitation of Jewish immigration.

At the World Zionist Congress at Basle in the latter part of 1946 the Jews were in an uncompromising spirit. The American Jews were led by Dr. Silver and the Palestinians were led by Mr. Ben Gurion. The Zionists rejected the Morrison-Grady Plan and came out squarely "for a Jewish Commonwealth and free Jewish immigration."¹²¹

The Arabs although not so vociferous in their rejection of the plan nevertheless rejected it on the ground of dividing Palestine. This meant that the plan had been rejected by the Jews, the Arabs and the United States Government.

In the meantime the Arab states requested bilateral negotiations on Palestine before the next session of the General Assembly with Great Britain which was to take place without Americans and Zionists.¹²²

The British Labor Government called a London Conference

¹²¹Manuel, op. cit., p. 329.

¹²²Hurewitz, op. cit., p. 259.

for September 1946 and notwithstanding the Arabs non-desire to have the United States in it had hoped that the United States would be a co-sponsor. The Conference was an attempt to work out a compromise along the lines as proposed by the Morrison-Grady Plan. President Truman upset their plan to get the United States to participate by his disavowal of the Morrison-Grady Scheme. They were also unable to get the Palestinian Arabs to attend as they ruled out the Mufti being one of the conferees. The Jewish Agency boycotted the conference due to the Anglo-Zionist friction over the issue of illegal Jewish immigration into Palestine.¹²³

The London conference opened on 10th of September with members of the seven Arab States, the Secretary General of the Arab League and British Government representatives in attendance. Thus with the two parties most intimately concerned, the Zionists and Palestinian Arabs absent, together with the United States, the conference was doomed to failure from the beginning.

The Arab states were no more willing than the Zionists to accept the Morrison-Grady Plan. They asserted that trusteeship was unnecessary and that provincial autonomy would pave "the way towards the establishment of a Jewish State."¹²⁴

¹²³Harry Sacher, Israel, the Establishment of a State, G. Weidenfeld & Nicholson, London, 1952, p. 68.

¹²⁴Hurewitz, op. cit., p. 263.

The Arab State representatives asserted that they were prepared to recognize the Palestine Jews as a religious community only, and insisted that Jewish immigration would have to stop. They held that the immigration of Jews into Palestine was serving as an effective weapon of Zionism in the building of a Jewish State which was inconsistent with the White Paper of 1939.

The Arab States' Proposal

After some three weeks of bickering the Arabs made their own counter proposals calling for the "transformation of the Palestine Mandate into an independent Arab state not later than 31st December, 1948."¹²⁵ The main features of the Arab States proposal were:¹²⁶

- (1) Palestine would be a unitary State with a permanent Arab majority, and would attain its independence as such after a short period of transition (two or three years) under British Mandate.
- (2) Within this unitary State, Jews who had acquired Palestinian citizenship (for which the qualification would be ten years' residence in the country) would have full civil rights, equally with all other citizens of Palestine.
- (3) Special safeguards would be provided to protect the religious and cultural rights of the Jewish community.
- (4) The sanctity of the Holy Places would be guaranteed and safeguards provided for freedom of religious practice throughout Palestine.
- (5) The Jewish community would be entitled to a number of seats in the Legislative Assembly proportionate to the number of Jewish citizens (as defined) in Palestine, subject to the proviso that in no case would the number of Jewish

¹²⁵Ibid., p. 264.

¹²⁶Political History of Palestine, op. cit., pp. 38 - 39.

representatives exceed one third of the total number of members.

(6) All legislation concerning immigration and the transfer of land would require the consent of the Arabs in Palestine as expressed by a majority of the Arab members of the Legislative Assembly.

(7) The guarantees concerning the Holy Places would be alterable only with the consent of the United Nations; and the safeguards provided for the Jewish community would be alterable only with the consent of a majority of the Jewish members of the Legislative Assembly.

Under this scheme a constitution was to be brought into being during the transition period. The first step would be for the High Commissioner to nominate a provisional government composed of seven Arab and three Jewish ministers of Palestine nationality. In turn the provisional government would conduct elections based upon male suffrage for a constituent assembly of sixty members. All schools, Jewish and Arab would be under the control of the government with a view to preventing subversive teaching. Instruction in Arabic, the official language of the country, would be compulsory. However, the Jews would be permitted to use Hebrew as a second official language in districts where they formed an absolute majority.

The Constituent Assembly was to draw up within six months a detailed constitution consistent with the general principles outlined above. It was stipulated that in case the Assembly failed to carry out its work within a six-month period the Provisional Government could itself promulgate a constitution.¹²⁷

¹²⁷Ibid., p. 29.

Following the adoption of a constitution, the Legislative Assembly would appoint the first Head of the independent Palestine State. The authority of the High Commissioner would then be handed over to the Head of the State and a treaty arranged between His Majesty's Government and the Government of Palestine.

Two days after the Arabs presented their plan, the British suspended the conference, giving as the reason that time was needed to study the proposals. However, two things had happened which the British felt would help resolve the issue. First, by the time the conference reconvened the United Nations General Assembly would have ended its session without the Arabs having raised the Palestine issue. Second, the American biennial elections would be over, so that the United States might more readily resume an active interest in the negotiations.¹²⁸

In the meantime, the Zionist cause was considerably strengthened by the electioneering going on in the United States. President Truman in trying to woo the New York State Jewish vote adopted an attitude striving to placidate the Jews. He reviewed the administration's efforts to gain admittance for 100,000 Jews into Palestine also stated that he was prepared to recommend to Congress the liberalization of American immigration laws. He also urged immediate substantial Jewish migration into Palestine.¹²⁹

¹²⁸Hurewitz, op. cit., p. 264.

¹²⁹Ibid., p. 264.

This endorsement of the Zionist program on the part of President Truman was felt to be political rather than a policy statement and supposedly was made against the advise and counsel of his foreign affairs advisers.¹³⁰

Mr. Truman's remarks provoked immediate response among the Arabs and there was threats of retaliation against American Airlines and the Arabian-American Oil Company (ARAMCO). King Ibn Sa'ud wrote a letter to President in which he implied that the President had broken earlier American promises to the Arabs, because of his support of the Zionists.

The four-month interval between the opening of the London Conference and its second session had seen the Arabs and Jews both stiffen in their views.

The Arabs felt at this time that, by the Morrison-Grady plan not being implemented and by being able to present their own plan that they were getting nearer to agreement with Britain as to the adoption of an independent Arab State.

The Jewish Agency's Plan

As the London Conference resumed its deliberations in January, the Jews were more uncompromising than they had been in September. The so-called activists were then in charge of the Jewish Agency Executive headed by Mr. Ben Gurion as Chairman. The Jewish Spokesmen reiterated their claim to accept nothing less

¹³⁰Ibid., p. 265.

than a Jewish State then added that if no decision could be taken as to the ultimate status of Palestine, "that Jewish immigration should be permitted up to the full extent of the country's economic absorptive capacity and no part of the country should be closed to Jewish land purchase and settlement." Finally they indicated that they would be willing to recommend the acceptance of "a viable Jewish State in an adequate area of Palestine."¹³¹

This "viable Jewish State" was to be in accordance with the plan adopted by The Jewish Agency Executive back in August 1946.¹³² The Jewish Agency at that time had proposed that an area be allotted to the Jews which would include Galilee and the Coastal Plain as recommended by the Royal Commission in 1937, plus the Negev. (See map No. 7b.) Under this plan the Arabs would have been left with the highlands from the Vale of Jezreel to a southerly limit mid way between Hebron and Beersheba, with a corridor to the Mediterranean at Jaffa.¹³³

The proposed Jewish State was to exercise full autonomy with control over immigration and economic policy. However, Britain was to be assured preferential rights, similar to the Anglo-Transjordan treaty to include naval and military bases. This plan had been presented to the British originally as a

¹³¹Political History of Palestine, op. cit., p. 40.

¹³²Ibid.

¹³³Kirk, op. cit., p. 227.

prerequisite for the Jewish participation in the London conference and as it had been unacceptable to the British at that time, it was still considered unacceptable at the second phase of the London conference.

Conditions for compromise at the final phase of the London conference were further apart than those of the preceding September. The Palestine Arab Higher Executive was now formally represented, but the Jewish Agency executive continued to boycott the conference, and since both parties were not represented, the U.S.A. did not send a representative. The Arabs repeated their historical, legal, and constitutional arguments of the Palestine Arabs and warned that they would fight partition with all the means at their disposal and refused to deviate from their position of four months earlier. The Jews, although unofficially represented by a few high spokesmen, were in an equally uncompromising mood.¹³⁴

¹³⁴Hurewitz, op. cit., p. 270 to 272.

CHAPTER VI

THE BEVIN PLAN OR PLAN OF CANTONIZATION

The London Conference was evidently getting nowhere in its discussions, and Mr. Ernest Bevin in an attempt to break the deadlock, made a last effort toward an agreement. He submitted a modified version of the Morrison-Grady plan as a final British proposal. The objective of his proposal was to establish forms of government which would offer a prospect of full independence. He suggested a British trusteeship to be followed by independence after four years. The agreement was to provide for the following:¹³⁵

- (1) Areas of local administration to include in each substantial Jewish and Arab majorities.
- (2) The local administration would have legislative, administrative, and financial powers, including some share in police.
- (3) Minority safeguards.
- (4) Jewish immigration at a rate of 4,000 monthly for two years. During the rest of the trusteeship it was to be determined, "with due regard to the principle of economic absorptive capacity," by the High Commissioner in consultation with the Advisory Committee, and in the event of disagreement by an arbitration tribunal appointed by the United Nations.
- (5) The local authorities would control land transfers.
- (6) The High Commissioner would exercise supreme legislative and executive authority, but would try to form an Advisory Committee representing local authorities and organized interests.

¹³⁵ Sacher, op. cit., p. 73.

The Jewish members of the Committee would supersede the Jewish Agency.

(7) At the end of four years a Constitutional Assembly would be elected, and if a majority of both the Jews and Arabs agreed, would establish an independent State. If not, the Trusteeship Council would be asked to advise upon future procedure.

This scheme differed from the old Morrison-Grady Scheme in several respects. A definite time limit of five years for the trusteeship was suggested, during which time the country would be progressively prepared for independence in a unitary, Arab-Jewish state. The possibility of partition was entirely done away with. The High Commissioner was "to exercise supreme legislative and executive powers, but the Palestine population would be accorded Cantonal self-government instead of provincial autonomy. The Cantons, whose areas would be defined according to whether Arabs or Jews constituted a majority in the locality."¹³⁶

The Jewish Agency was to be dissolved immediately after the trusteeship agreement came into being. Jews and Arabs were to be represented on advisory Council. The 100,000 Jewish immigrants were to be admitted over a period of two years. However, in the last three years of the trusteeship the Arabs were to have a voice in determining immigration policy. Final decisions would rest with United Nations Trusteeship Council.¹³⁷

From the British point of view the Bevin Plan had the merit of maintaining British control of Palestine for an indefinite

¹³⁶Hurewitz, op. cit., p. 272.

¹³⁷Ibid.

period with the prospect of abolishing the mandate with its obligations for the establishment of the Jewish National Home. It would also rid the country of the Jewish Agency and eradicate the conception of the Jewish people throughout the world of their claims in respect to Palestine. It would also guarantee a permanent Arab majority and a permanent Jewish minority in Palestine.¹³⁸

There was never the slightest chance that the plan would be accepted by the Jews, likewise, the Arab States were determined to be independent and not satellites and not to make even the slightest concession.

As a consequence of such stubborn attitudes on the part of both Jews and Arabs in rejecting his plan, Mr. Bevin next step was to announce to Parliament that he would present the Palestine problem to the United Nations in "all the aggravated starkness it had assumed under his administration."¹³⁹

According to Mr. Sacher this decision though accented to by all parties in parliament represented one of the greatest political failures in the history of the British Empire.

¹³⁸Sacher, op. cit., p. 73.

¹³⁹Ibid., p. 74.

CHAPTER VII

UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE (UNSCOP)

On the 2nd of April 1947, the British Government telegraphed the Secretary-General and proposed that a special session of the General Assembly be held to constitute and instruct a special Committee to investigate the Palestine situation and report its findings to the regular session to be held within five months.¹⁴⁰

In accordance with this request and after having obtained the concurrence of a majority of the member governments, the Secretary-General called a special session of the assembly to meet on 28th April 1947. The Arab States did not give their approval, and eight other states failed to reply to the Secretary-General's inquiry.

The sole item on the agenda of the special session was that submitted by the British Government of "constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session."¹⁴¹

The General Assembly referred the item to the First Committee of the Assembly for its consideration. The First

¹⁴⁰Larry L. Leonard, The United Nations and Palestine, "International Conciliation," New York, Carnegie Endowment for International Peace, 1949, p. 614.

¹⁴¹U. N. S. C. O. P. Report, op. cit., p. 1.

Committee heard both the representatives from the Jewish Agency for Palestine and the Arab Higher Committee in regard to constituting and instructing of the special committee which was to be created by it.

At the 52nd meeting of the First Committee, Sir Alexander Cadogan gave the gist of Britain's dilemma with the Palestinian problem when he stated:¹⁴²

We have tried for years to solve the problem of Palestine. Having failed so far, we now bring it to the United Nations, in the hope that it can succeed where we have not. If the United Nations can find a just solution which will be accepted by both parties, it could hardly be expected that we should not welcome such a solution. All we say ... is that we should not have the sole responsibility for enforcing a solution which is not accepted by both parties and which we cannot reconcile with our conscience.

The General Assembly adopted the recommendations of the First Committee at its 79th meeting on 15 May 1947, and resolved that a Special Committee should be created consisting of representatives¹⁴³ of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia.

The Committee was given very wide powers:¹⁴⁴

(1) The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and

¹⁴²Ibid., p. 2.

¹⁴³Each country represented on the special committee had one representative and an alternate. The Representatives were: From Australia: Mr. J. D. L. Hood; Canada: Justice I. C. Rand; Czechoslovakia: Mr. Karel Lisicky; Guatemala: Dr. Jorge Garcia Granados; India: Sir Abdur Rahman; Iran: Mr. Nasrollah Entezam; Peru: Dr. Alberto Ulloa; Sweden: Justice Emil Sandstrom; Uruguay: Professor Enrique Rodriguez Fabregat; Yugoslavia: Mr. Vladimir Simic.

¹⁴⁴U. N. S. C. O. P. Report, op. cit., p. 2.

issues relevant to the problem of Palestine.

(2) The Special Committee shall determine its own procedure.

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

(4) The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity.

(5) The Social Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine.

The Committee was to complete its work not later than the 1st of September 1947 in order to circulate its report to the Members of the United Nations prior to the second regular session of the General Assembly. The Special Committee held its first meeting at Lake Success, New York on 26th May 1947. From that date until 31 August 1947 when its final report was finished, the Committee held sixteen public meetings and thirty-six private meetings. The meetings were held at Lake Success, Jerusalem, Beirut, Lebanon and Geneva, Switzerland.

At its first meeting in Jerusalem the Committee was informed of the decision of the Arab Higher Committee to abstain

from collaboration with it.¹⁴⁵ However, the Committee addressed a letter to the Arab Higher Committee repeating the Special Committee's invitation for full cooperation.

This was all to no avail and on 10th July 1947 an answer to the letter was received stating the Arab Higher Committee found no reason to reverse its previous decision to abstain from collaboration. It is therefore, a little ironic that outside of hearing one official spokesman for the Arab States in Beirut, UNSCOP never heard from any other official representatives of the Arab cause.

The Committee, in keeping with the precedent of all others, made an intensive and voluminous report covering the overall situation and historical background of the delicate problem. However, for the purposes of this paper we are concerned with its recommendations and especially its recommendations for the partitioning of Palestine. Its recommendations for this purpose were two in number - a Majority and Minority Plan.

The Majority Plan of Economic Union

The Majority Plan or what was known as partitioning with economic union was proposed by seven members of the Committee (Canada, Czechoslovakia, Guatemala, The Netherlands, Peru, Sweden and Uruguay). The report went to some length in its justification for partition. Their primary premise was:¹⁴⁶

¹⁴⁵Ibid., p. 4.

¹⁴⁶Leonard, op. cit., p. 639.

The basic conflict in Palestine is a clash of two intense nationalisms ... having claims to Palestine and both possessing validity are irreconcilable, and that among all solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.

The Committee recommended that Palestine, following a transitional period of two years from 1st September 1947, would be constituted into an independent Arab State, an independent Jewish State and the City of Jerusalem. Independence was to be granted to each state upon its request only after it had adopted a constitution complying with provisions laid down by the United Nations, and had signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

During the transitional period, the mandatory Power was to "carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions and under such supervision as was to be agreed upon between the United Kingdom and the United Nations and if so desired, with the assistance of one or more Members of the United Nations."¹⁴⁷ There was to be admitted into the borders of the proposed Jewish State 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom were to be admitted on humanitarian grounds. If the

¹⁴⁷ U. N. S. C. O. P. Report, op. cit., p. 48.

transition period continued for more than two years, Jewish immigration was to be allowed at the rate of 60,000 per year. Responsibility for the selection and care of Jewish immigrants during this period was to rest with the Jewish Agency.¹⁴⁸

Restrictions placed upon the transfer of land by the Palestinian Administration was not to apply in the proposed Jewish State. Constituent assemblies were to be elected by the populations of the areas and to be elected by qualified voters only from each State. During the transitional period, no Jew was to be permitted to establish residence in the area of the proposed Arab State, and no Arab was to be permitted to establish residence in the area of the proposed Jewish State, except by special permission of the administration.¹⁴⁹

The constituent assembly in each State was to appoint a provisional government empowered to make the necessary declaration to the United Nations that they had fulfilled the requirements for independence and also to sign the Treaty of Economic Union. Thereafter, only the approval of the General Assembly of the United Nations was necessary to obtain recognition as a sovereign State.¹⁵⁰

In so far as Holy Places, religious buildings and sites were concerned, the then existing rights were not to be denied or impaired. Free access was to be secured in conformity with

¹⁴⁸Ibid.

¹⁴⁹Ibid.

¹⁵⁰Ibid., p. 49.

the requirements of public order and decorum.

The Governor of the City of Jerusalem was to have the right "to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, were being properly applied and respected, and to make decisions in cases of disputes which might arise with respect to such places, buildings and sites."¹⁵¹

X The plan envisaged the proposed Arab state as including Western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. (See Map No. 5.) The Jewish State in its north-eastern sector was to have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the east and was to include the whole of the Lake Huleh basin, Lake Tiberias and the whole of the Beisan sub-district. From Beisan the Jewish State was to extend north-west following a boundary with the Arab state. On the coastal plain it was to extend from a point south of Acre to just north of Isdud in the Gaza sub-district and included the towns of Haifa, Tel Aviv and Jaffa. The Beersheba sub-district was to include the Negev and the eastern part of the Gaza sub-district south of the point of the Arab state intersection.

¹⁵¹Ibid., p. 53.

The City of Jerusalem was to "include the municipality of Jerusalem plus the surrounding villages and towns, the most eastern town to be Abu Dis; the most southern Bethlehem; the most western Ein Karim and the most northern Shu'fat."¹⁵²(See Map No.5.)

The City of Jerusalem was to be placed under an International Trusteeship System by means of a Trusteeship Agreement which would designate the United Nations as the administering authority.

A Treaty of Economic Union was to be entered into between the three states and was to be binding at once without ratifications. The objectives of the Economic Union of Palestine were to be as follows:¹⁵³

- (1) A customs union.
- (2) A common currency.
- (3) Operation in the common interest of railways, interstate highways, postal, telephone and telegraphic services and the ports of Haifa and Jaffa.
- (4) Joint economic development, especially in respect of Irrigation, Land Reclamation and Soil Conservation.

There was to be established a Joint Economic Board, which was to consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social

¹⁵²Ibid., p. 57.

¹⁵³Ibid., p. 58.

Council of the United Nations in the first instance for a term of three years. The functions of this board was to organize and administer, either directly or by delegation, the functions of the Economic Union. The States were to bind themselves to put into effect the decisions of the Joint Economic Board.

In the matter of economic development, the functions of the Board were to be planning, investigation and encouragement of joint development projects, but it would not undertake such projects except with the assent of both States and the City of Jerusalem. There were to be common customs tariff with complete freedom of trade between the States and the City of Jerusalem. The tariff schedules were to be drawn up by a Tariff Commission consisting of representatives of each of the States in equal numbers.

After the first obligations of the customs revenue such as expense of the customs service, administrative expenses of the Joint Economic board and financial obligations of the Administration of Palestine were met, the surplus revenue from the customs and other common services were to be divided in the following manner:¹⁵⁴ not less than five per cent and not more than ten per cent to the City of Jerusalem, and the residue in equal proportion to the Jewish and Arab States.

The Treaty was to contain provisions preserving freedom of transit and visit for all residents or citizens of both States

¹⁵⁴Ibid., p. 52.

and of the City of Jerusalem, subject to security considerations. All international conventions and treaties affecting customs tariffs, communications and commercial matters generally, were to be entered into by both States. The Treaty was to remain in force for a period of ten years and then might be terminated two years subsequent to notification of either of the parties if assented to by the General Assembly of the United Nations.

The primary objectives of this scheme was to create a political division among the Jews and Arabs with the power to make their own laws, while preserving throughout Palestine, a single integrated economy with the same territorial freedom of movement as under the Mandate.

The figures given for the distribution of the settled population in the two proposed States are estimates based upon official figures for the end of 1946:¹⁵⁵

	Jews —	Arabs and others <u> </u>	Total —
The Jewish State	498,000	407,000	905,000
The Arab State	10,000	725,000	735,000
City of Jerusalem	100,000	105,000	205,000

To avoid the failures of previous attempts to draw partition maps for Palestine, namely that of separating the solid Arab population in Judea and Samaria from the Arab population in Galilee,

¹⁵⁵Ibid., p. 54.

they solved the problem by a definition of boundaries which provided two important links. First, one between Western Galilee and Samaria and a second one in the South between Gaza and Judea. (See Map No. 5.) These links were to be suitable meeting places of the frontiers, and would consist of a small unbuilt area which would be a condominium.

The UNSCOP Report gives the following high ideal as a basis upon which their scheme might succeed:¹⁵⁶

The Jews bring to the land the social dynamism and scientific method of the West; the Arabs confront them with individualism and intuitive understanding of life. Here then, in this close association, through the natural emulation of each other, can be evolved a synthesis of the two civilizations, preserving, at the same time, their fundamental characteristics. In each State, the native genius will have a scope and opportunity to evolve a synthesis of the two civilizations, preserving, at the same time, their fundamental characteristics. In each State, the native genius will have a scope and opportunity to evolve into its highest cultural forms and to attain its greatest reaches of mind and spirit. In the case of the Jews, that is really the condition of survival. Palestine will remain one land in which Semitic ideals may pass into realization ... At the same time there is secured, through the constitutional position of Jerusalem and the Holy Places, preservation of the scenes of events in which the sentiments of Christendom also centre. There will thus be imposed over the whole land an unobjectionable interest of the adherents of all three religions throughout the world; and so secured, this unique and historical land may at last cease to be the arena of human strife.

Minority Plan For a Federal State

In the Minority Report of UNSCOP three members (India, Iran, and Yugoslavia) supported a Federal State Plan for Palestine.

¹⁵⁶Ibid., p. 52.

This plan was to embody equal rights for both Arabs and Jews in their common State, and was to maintain an economic unity which was considered indispensable to the life and development of the country. The objective of such a federal-State solution was to "give the most feasible recognition to the nationalistic aspirations of both Arabs and Jews, and to merge them into a single loyalty and patriotism which would find expression in an independent Palestine."¹⁵⁷ (See Map No. 6.)

The minority proposed the development of the mandate, after a three-year transitional United Nations administration, into an independent federal government, comprising the Arab and Jewish States with Jerusalem as the capital.¹⁵⁸ In regard to the transitional period responsibility for administering Palestine and preparing it for independence was to be entrusted to such authority as might be decided upon by the General Assembly.

During the transitional period a constituent assembly was to be elected by the population of Palestine and formulate the constitution for the independent federal State of Palestine. The governmental structure of the independent federal State of Palestine was to be composed of a federal government and the governments of the Arab and Jewish states. Among the organs of government there was to be a "head of State and an executive body, a representative federal, ^{bi-cameral} legislative body, a federal court

¹⁵⁷ Ibid., p. 59.

¹⁵⁸ Hurewitz, op. cit., p. 296.

and such other subsidiary bodies as might be deemed necessary."¹⁵⁹

The federal legislative body was to be composed of two chambers and election to one chamber was to be on the basis of proportional representation of the population as a whole. Election to the other chamber was to be on the basis of equal representation of the Arab and Jewish citizens of Palestine.

The head of the independent federal State of Palestine was to be elected by a majority vote of the members of both chambers of the federal legislative body sitting in a joint meeting convened for the purpose and he was to serve for such a term as the constitution might determine. A federal court was to be established and was to be the final court of appeal with regard to constitutional matters. Its membership was to consist of a minimum of four Arabs and three Jews.¹⁶⁰

The federal government was to have full authority with regard to national defense, foreign relations, immigration, currency, taxation for federal purposes, foreign and interstate waterways, transport and communications, copyrights and patents.

The constitution was to forbid any discriminatory legislation federal or state against Arabs, Jews or other population groups or against either of the states. It was also to guarantee full equality for all citizens of Palestine in regard to "political civil and religious rights of the individual and to provide specifically for the protection of linguistic, religious and ethnic rights." It was to guarantee "free access to Holy

¹⁵⁹U. N. S. C. O. P. Report, op. cit., p. 59.

¹⁶⁰Ibid., p. 61.

Places, protect religious interests, and ensure freedom of worship and of conscience to all, provide that the traditional customs of the several religions were to be respected."¹⁶¹

There was to be a single Palestinian nationality and citizenship which would be granted to Arabs, Jews and others on the basis of such qualifications and conditions as the constitution and laws of the Federal State might determine.

The Arab and Jewish state, were both to enjoy full powers of local self-government and have authority within ^{their} its borders, over education, taxation for local purposes, the right of residence, commercial licenses, land permits, grazing rights, interstate migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries, and such aspects of economic activities and such other authority as may be entrusted to the states by the constitution.¹⁶²

The independent federal State of Palestine was to "accept as binding all international agreements and conventions, both general and specific, to which the territory of Palestine has previously become a party by action of the mandatory Power acting on its behalf."¹⁶³

It was recommended that the then-existing rights as

¹⁶¹Ibid., p. 62.

¹⁶²Ibid., p. 62.

¹⁶³Ibid.

regarded the Holy Places and places of religious interest should not be denied or impaired. Also a permanent international body was to be formed for preserving, protecting and caring for the Holy Places, buildings and sites in Jerusalem, Bethlehem, Nazareth and elsewhere in Palestine.

Jerusalem was to be the capital of the independent Federal State of Palestine and was to be comprised of two separate municipalities, "one of which was to include the Arab sections of the city, including that part of the city within the walls, and the other the areas which were predominantly Jewish."¹⁶⁴

The two municipalities, Arab and Jewish, which were to comprise the City and capital of Jerusalem, were to be under the constitution and laws of the federal Government, but to enjoy the powers of local administration within their respective areas. They were to jointly provide for, maintain and support such common public services as sewage, garbage collection and disposal, fire protection, water supply, local transport, telephones and telegraph.

Jewish immigration was to be permitted into the borders of the Jewish state in the proposed independent federal State of Palestine "in such numbers as not to exceed the absorptive capacity of the Jewish State, having due regard for the rights of the population then present within that state and for their

¹⁶⁴Ibid., p. 63.

anticipated natural rate of increase."¹⁶⁵ An international Commission was to be established for appraising objectively the absorptive capacity of the Jewish state. The period of functioning of the commission was to be only that of the transition period of three years. Responsibility for organizing and caring for Jewish immigrants during the transitional period was to be as the Jewish community of Palestine should decide upon. Priority was to be given to Jewish immigrants who were "orphans, survivors who were of the same family or close relatives of persons already living in Palestine or persons having useful scientific and technical qualifications."¹⁶⁶

As previously stated the Majority Report had the support of seven members of the Committee and the Minority only three.

The difference between the two reports may be summarized as follows:¹⁶⁷

(1) The majority scheme was partition with economic union; the minority was a federation of Jewish and Arab "States" with a common citizenship, and a federal authority controlling national defence, foreign relations, immigration, currency, taxation for federal purposes, waterways, transport, communications, copyrights, and patents.

(2) Under the majority scheme there was to be a transitional period of two years from the 1st September, 1947, during which the United Kingdom was to carry on the administration, if desired, with the assistance of one or more of the United Nations. Under the minority scheme the transitional period was not to exceed three years, during which the administration was to be conducted by an authority appointed by U. N.

(3) Under the majority scheme during the transitional

¹⁶⁵Ibid., p. 64.

¹⁶⁶Ibid.

¹⁶⁷Sacher, op. cit., p. 90 to 91.

period 150,000 Jews were to be admitted in two years, and thereafter (if the transition continued) at the rate of 60,000 a year. The Jewish Agency was to select immigrants and organize immigration. Under the minority scheme during the transitional period Jewish immigration into the Jewish "State" was to be governed by absorptive capacity as determined by an International Commission, and having due regard to the rights of the existing population and its natural increase. Thereafter it was to be determined by an International Commission until the end of the transitional period.

(4) Under the majority scheme the Jewish "State" was to include Jaffa and the Negev. Under the minority scheme Jaffa and most of the Negev were to be in the Arab "State."

(5) Under the majority scheme the Jerusalem area was to be internationalized. Under the minority scheme it was to be included in the Arab area and to be the federal capital.

Prior to the presentation of the two plans to the General Assembly there was widespread discussion and agitation against both the Majority and Minority plans. The Majority plan was far the most part highly distasteful to England. It meant partition, the acceptance of a large Jewish immigration, abolishment of the Land Regulations and it gave the Negev to the Jewish State.

The Arab League meeting at Beirut declared that the proposals of the U. N. Committee were flagrantly prejudicial to Arab rights and violated all the promises given to the Arabs, and that they would be resisted by all the Arab States which demanded Palestine's independence.¹⁶⁸

In Cairo the newspaper "al-Ahram" had written that "the Palestine Arabs will launch a relentless war to repel this

¹⁶⁸Sacher, op. cit., p. 91.

attack upon their country, especially since they know that all the Arab countries will back and assist them, supplying them with men, money, and ammunition."¹⁶⁹

The Jewish Elected Assembly decreed the total mobilization of Jewish man-power, and "feverish activities" was begun to reorganize the Haganah and convert it from an underground force into a regular army.

¹⁶⁹Kirk, op. cit., p. 247.

CHAPTER VIII

THE UNITED NATIONS PLAN OF PARTITION

In the United Nations, the General Assembly referred the Palestine question to an ad hoc Committee consisting of all the member nations. The ad hoc Committee established three subsidiary groups: A Sub-Committee on Partition; a Sub-Committee on the Federal State and a Conciliation Group to try to bring the parties together.¹⁷⁰

The Sub-Committees on Partition and Federalization began their deliberations on 23 October 1947 and debate in the ad hoc Committee on Palestine began on 20 November. First to come before the Committee were the proposals of the Sub-Committee on the Federal State Plan. The resolution proposing the creation of an independent unitary state of Palestine was defeated by a vote of twenty-nine to twelve with fourteen abstentions.

The ad hoc Committee then considered the draft resolution proposed by the Sub-Committee on Partition, along the lines of the UNSCOP recommendations. A partition plan was eventually adopted and presented to the General Assembly. Debate in the General Assembly of the United Nations took place on the 26th to 29th November 1947. Finally after heated debate the General Assembly passed the partition plan by a vote of thirty-three to thirteen with ten abstentions.¹⁷¹

¹⁷⁰ Leonard, *op. cit.*, p. 640.

¹⁷¹ *Ibid.*, p. 644.

No attempt has been made to trace the bickering and politicizing that went on in the United Nations General Assembly for and against the issue of partitioning. Suffice to say that the plan did pass by a two-thirds majority.

The General Assembly's plan of partition differed but very little from that proposed by UNSCOP. (Majority plan) (see Map No. 7c.) The main differences were that:¹⁷²

the proposed Jewish state was to be reduced in size from 6,000 to 5,500 square miles and was to include roughly 55 per cent of the total land area of Palestine. The most significant territorial changes were the transfer to the projected Arab state of the city of Jaffa and of some 500,000 acres in the Negev, in the vicinity of the town of Beersheba as well as along the Mediterranean Sea and the Egyptian frontier.

On the 30th December 1947, a United Nations Palestine Commission¹⁷³ was set up to implement the Plan of Partition with Economic Union. The Commission was made up of one member each from Bolivia, Czechoslovakia, Denmark, Panama and The Philippines.

The Commission started the hopeless task of carrying out its mission in January 1948. However, Great Britain as Mandatory refused to transfer any authority to the Commission prior to the termination of the mandate, and would not allow any of its members to come to Palestine to carry out their duties before 1st May 1948. This more or less made all efforts on the part of the

¹⁷²Hurewitz, op. cit., p. 302.

¹⁷³United Nations Palestine Commission, Report to the General Assembly, Supplement No. 1, 1948, p. 1.

Commission practically useless.¹⁷⁴

Britain was not alone in her non-cooperation with the Commission. The U. S. A. was being subjected to a little pro-Arab pressure and some individuals were being awakened to the importance of the Middle East Oil. Many influential individuals and especially Oil Company representatives and members of the Department of Defense were stating that partitioning would bring about irreparable harm to the vital national interests of the United States in the Arab countries of the Middle East.¹⁷⁵

The U. S. policy at this time became a little evasive. In February 1948 the Commission reported to the Security Council that it would be unable to carry out its mission at the close of the mandate without armed assistance. The U. S. policy toward this as stated by Mr. Warren Austin, at that time U. S. Chief Delegate to the U. N., stated the U. S. Government was "prepared to consider the use of armed force to restore peace but not to enforce partition."¹⁷⁶ He further suggested that the U. N. suspend debate upon partition and consider the establishment of a temporary trusteeship over Palestine.

This represented an about-face more or less as to United States policy, but the United Kingdom and the United States were still at odds and when the United States suggested a brief

¹⁷⁴Ibid., p. 2.

¹⁷⁵Hurewitz, op. cit., p. 312.

¹⁷⁶Ibid.

extension of the mandate, the British killed the motion.

Russia all the time was in a position to harass the other powers particularly the United States and Britain. The Russians insisted upon the original partition resolution and criticized the western powers for not carrying out the United Nations resolution. The result of all this together with the Arab and Jewish opposition "was that the British mandate came to an end before the Assembly could agree on any course of action."¹⁷⁷

The Arabs for their part were making extensive military plans for the eradication of the Jews. The Jews working mostly through a few well organized overgrown gangs such as the Haganah, Irgunists - Irgun Zvai Leumi "Zionist National Military Organization" and Stern Group were concentrating upon holding that part of Palestine awarded to them by the United Nations and also protecting the scattered settlements which were in Arab Territory.

Raids by one party on one day called for reprisals by the other the next day, each one trying to out-do the other in their atrocities.

The Arabs were receiving some volunteers from nearby countries but mostly they were getting promises without the necessary military backing. In March the Arab forces seemed on the verge of complete military success, but in April they were dealt some stunning reverses and by the end of April the Jews

¹⁷⁷Ibid., p. 313.

were in control of Tiberias, Haifa, Safad, Jaffa, Acre and the bulk of the new City of Jerusalem.¹⁷⁸ As a result of the military defeats and the lack of good political leadership the Palestinian Arabs were in a general state of demoralization which prior to the termination of the mandate had resulted in over 200,000 Arabs fleeing their homes.

Upon the termination of the mandate on the 15th of May 1948, the Jews proclaimed the birth of the new State of Israel.¹⁷⁹

We hereby proclaim the establishment of the Jewish State in Palestine, to be called Medinath Yisrael (The State of Israel) ... We hereby declare that as from the termination of the Mandate at midnight, the 14th-15th May, 1948, and pending the setting up of the duly elected bodies of the State in accordance with a Constitution to be drawn up by the Constituent Assembly not later than the 1st October, 1948, the National Council shall act as the Provisional State Council, and that the National Administration shall constitute the Provisional Government of the Jewish State, which shall be known as Israel.

The skirmishes which had been smouldering along now stepped up their tempo and emerged into a full scale war. The General Assembly of the United Nations evidently realizing the impotency of United Nations Palestine Commission dissolved it and in its place recommended that the Big Five appoint a Mediator to "promote a peaceful adjustment of the future situation in Palestine."¹⁸⁰

The United Nations appointed Count Folke Bernadotte of Sweden as the United Nations Mediator for Palestine. In the

¹⁷⁸Hurewitz, *op. cit.*, p. 313.

¹⁷⁹Sacher, *op. cit.*, p. 116.

¹⁸⁰Hurewitz, *op. cit.*, p. 315.

meantime more regular armed forces of Syria and Transjordan, Lebanon, Egypt and Iraq had entered Palestine for the war against Israel.

At first there were several successes for the Arabs, but they seemed to lack the necessary staff work and coordination among the various armies to take advantage of the situation. Initially, the Arab Armies were not trying to hold on to what the United Nations had partitioned, but were determined to drive the Jews out of Palestine.

Finally, after a British resolution calling for a cessation of hostilities for one month had carried in the General Assembly, the United Nations Mediator, Count Folke Bernadotte, succeeded in arranging the first truce on 11 June 1948 which was to last for one month.¹⁸¹

¹⁸¹Manuel, op. cit., p. 251.

CHAPTER IX

THE UNITED NATIONS MEDIATOR'S PLAN OF PARTITIONING

The United Nation's resolution calling for the partitioning had not been rescinded, but neither had the Mediator been bound to abide by it. Count Bernadotte then put forward a series of suggestions for a basis of discussion. He presented a plan whereby mandatory Palestine and Transjordan might form an economic union in which a Jewish and an Arab State might regulate their common interests through a central council.

He proposed that persons who had been displaced by the fighting should have the right to return home and recover their property. In his territorial proposals he suggested the inclusion of the whole or part of the Negev in Arab territory, (see Map No. 7c) in return for the inclusion of the whole or part of western Galilee in Jewish territory. Also to be included in Arab territory was the City of Jerusalem, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places. The establishment of free port at Haifa to include the Oil refinery and pipe lines and a free airport at Lydda.

The Mediator's plan no doubt reflected the desires and wishes of Britain and the U. S. A. to secure a peace involving

Israel and Transjordan primarily.

The Jews termed the plan concerning Jerusalem as "disastrous .. encouraging false Arab hopes and wounding Jewish feelings."¹⁸² They also maintained that the proposal to unite Israel and Transjordan was contrary to the General Assembly's resolution of November 1947. They maintained that the General Assembly's resolution on partitioning of Palestine furnished Israel with the "irreducible minimum" to insure Israel's security against perils revealed by Arab aggression.

Both sides rejected the scheme, and according to Mr. Sacher, "in his naivete Count Bernadotte did not appreciate that he had thrown a bombshell into both camps."¹⁸³ First, by suggesting that Palestine and Transjordan might form an economic union, he had offended the other Arab countries, and secondly, by suggesting that the City of Jerusalem be included in Arab territory, he offended the Jews.

The Security Council proposed a prolongation of the truce on 7th July 1948 and Israel along with Transjordan, Saudi Arabia, Iraq and Lebanon seemed receptive to the suggestion. However, Egypt and Syria for the most part, having a distorted picture of the military situation, and thinking that victory was near at hand, held out for more fighting.

During the truce there had been a disintegration of the

¹⁸²Kirk, op. cit., p. 279.

¹⁸³Ibid.

precarious understanding which had existed among the Arab leaders as to territorial self-aggrandisement.¹⁸⁴ King Abdullah of Trans-jordan had become reconciled to the fact that Israel could not be driven into the sea by the weight of Arab arms alone, and he, along with several other influential Palestinian Arabs favored the incorporation of Arab Palestine into the "Kingdom of Jordan."

King Abdullah in the latter part of June visited Ibn Saud of Saudi Arabia and King Faruk of Egypt and while in Cairo visited the Mufti of Jerusalem. He presented his plan, but it fell on unreceptive ears and the political committee of the Arab League announced on the 9th July the formation of an "administrative council" for Palestine which represented a direct repudiation of Abdullah's plan.¹⁸⁵

Fighting was resumed on the 9th of July 1948, and the following ten days proved very costly in so far as the Arabs losing territory to the Jews was concerned.

The Arab Legion had made a voluntary pull back in the central front yielding the towns of Lydda and Ramla without a fight and the Israelis occupied practically all of western Galilee and made some gains in the south against the Egyptians. As a whole in the ten days between 8-18 July 1948, the Israelis gained some three times more territory than they had gained in the first

¹⁸⁴At a meeting of the Arab League in April they had made a self-denying ordinance not to aim at territorial self-aggrandisement, but only to save Palestine from Zionism and restore it to its people.

¹⁸⁵Kirk, op. cit., p. 280.

month of fighting.¹⁸⁶

After the United Nations had threatened both sides with sanctions, a second truce came into being on 18th July 1948. The truce was marred by sporadic infringements, and on the 14th October the Israelis launched an attack against the Egyptians in the Negev sector and captured Beersheba, Bait Hanun and Bait Jibrin before the acceptance of a second cease fire by both sides on 22nd October 1948. However, fighting again broke out in the northern sector and by the 31st October the Israelis were in possession of some fifteen villages situated within Lebanese territory. These territorial gains together with the Shuna agreement between Transjordan and Israel gave Israel control not only over the areas originally allocated to her by the General Assembly's partition plan, but gave her control over certain Arab sections as well.

The Shuna agreement was arrived at in a secret meeting between King Abdullah and Israeli representatives, and was an agreement whereby the Arab Legion was to be pulled back on an average of two miles along a forty-five mile front from Janin in the North to a point near Latrun in the south.¹⁸⁷

The United Nations Mediator's plan for the uniting of Arab Palestine with Transjordan had met with great disfavor among the other Arab States, as they felt that such a union would upset the existing balance of power in the Arab East. They

¹⁸⁶Hurewits, *op. cit.*, p. 318.

¹⁸⁷Kirk, *op. cit.*, p. 297.

avored a plan as suggested by the Arab Higher Committee of setting up a government to be known as "Government of All-Palestine" with its capital at Gaza.¹⁸⁸

King Abdullah was still busy with his plan of annexing all of Arab Palestine to Transjordan. He refused to recognize the All-Palestine Government and on 1st of December 1948 a congress made up of some 2,000 Palestine Arab delegates met at Jericho and acclaimed Abdullah as "King of all Palestine."

By early 1949, battle reverses and disunity coupled with growing discontent at home had convinced most of the Arab states that further fighting was useless. They were all ready - some to a lesser extent than others - to enter into negotiations with the Israelis.

¹⁸⁸Hurewitz, op. cit., p. 318.

CHAPTER X

THE RHODES AGREEMENT OR ARMISTICE LINES OF 1949

The Armistice lines of 1949 or Rhodes Agreement as it is also known, is so-called because of the fact that the United Nations Mediator had his headquarters on the Island of Rhodes during the time of the truce negotiations between the Arab states and Israel.

The first talks between Israel and Egypt were begun on 13 January 1949, and a compromise agreement was reached on 24th February 1949. It was agreed that the demarcation lines laid down were "delineated without prejudice to the rights, claims and positions of either Party -- as regards ultimate settlement of the Palestine question."¹⁸⁹

It was also emphasized that it was "not the purpose of this agreement to establish, to recognize, to strengthen, or to weaken or nullify, in any way, any territorial, custodial or other rights, claims or interests which may be asserted by either party in the area of Palestine or any part or locality thereof covered by this agreement."¹⁹⁰

Highlights of the agreement were that the Gaza strip,

¹⁸⁹Kirk, op. cit., p. 295.

¹⁹⁰Leonard, op. cit., p. 779.

was defined as being "twenty-five miles in length to the mouth of Wadi al-Hasi, and of three and a half to five miles in depth from the coast."¹⁹¹ (See Map No. 7d.) This territory was to be under Egyptian military occupation. The area of al-'Awja on the Palestine side of the old frontier was to be demilitarized and al-'Awja, itself, was to be the headquarters of a Mixed Armistice Commission. The Egyptians were to have no defensive positions closer than fourteen to seventeen miles to al-'Awja.

The Mixed Armistice Commission proposed in the agreement was to be made up of seven members consisting of three each from Egypt and Israel with the chairman coming from the United Nations Chief of Staff of the Truce Supervision Organization. Either the Chief of Staff himself or a senior officer designated by him from the observer personnel of the Truce Supervision Organization following consultations with both parties concerned.¹⁹²

The Egyptian-Israeli truce more or less set the pattern for the bilateral action of all the other Arab countries in the War.

Lebanon entered into negotiations with Israel on 16th day of January 1949, and by the 23rd March had reached an understanding whereby they adopted the old Palestine-Lebanon frontier as a demarcation line, with demilitarized zones on

¹⁹¹Kirk, op. cit., p. 295.

¹⁹²Leonard, op. cit., p. 779.

either side of it in which neither side was to have more than 1,500 troops. (See Map No. 7d.)

Armistice negotiations opened between Transjordan and Israel on 2 March and, in addition to the Shuna agreement, mentioned previously being incorporated into the agreement, there was very little change from the lines occupied by the two armies. Jordan received some territorial concessions in the Hebron sector. The City of Jerusalem was to be divided from southwest to north-east and the division would correspond to the barbed-wire defenses of the two armies. Other points such as the isolation of the Hebrew University and the Hadassah Hospital from the New City of Israel and the isolation of the Old City from the Jerusalem power-station and the general right of access to the Holy Places, was to be referred to a special committee.¹⁹³

Negotiations between Israel and Syria were begun on 12 April but they had great difficulty in deciding on the sovereignty for the area immediately below Lake Huleh on both banks of the Jordan. A truce was signed on 20th July 1949 which had a clause for the "gradual restoration of normal civilian life in the Lake Huleh region which was to be demilitarized and supervised by a Mixed Armistice Commission."¹⁹⁴

By the Rhodes Agreement or Armistices of 1949, Israel

¹⁹³Kirk, op. cit., p. 301.

¹⁹⁴Ibid.

was left in de facto possession of almost all of the territory occupied by its troops within the boundaries of the former Palestine Mandate. It was for more than was awarded to her by the United Nations Partition Scheme of 29 November 1947. (See Maps Nos. 7c and 7d.) She had added some 1,400 square miles to the area originally assigned to her under the United Nations Plan. By the armistice agreements Israel now controlled some 7,000 square miles of Palestine and of the remaining Transjordan controlled 3,000 square miles and Egypt 125 square miles.

The United Nations took formal notice of the end of the war in Palestine and on 11th of August 1949 stated that "all functions assigned to the United Nations Mediator on Palestine having been discharged, the Acting Mediator is relieved of any further responsibility under Security Council resolutions."¹⁹⁵ The United Nations also took note of the following systems of supervision:¹⁹⁶

That the armistice agreements provide that the execution of these agreements shall be supervised by mixed armistice commissions whose chairman in each case shall be the United Nations Chief of Staff of the Truce Supervision Organization or a senior officer from the observer personnel of that organization designated by him following consultation with parties to the agreements.

The mixed armistice commissions as set up by the various bilateral truce agreements are still in effect and endeavoring to maintain peace in a partitioned Palestine.

¹⁹⁵Leonard, op. cit., p. 786.

¹⁹⁶Ibid.

Palestine had now finally been partitioned. First, came the United Nations resolve to have it partitioned and secondly, came the ultimate method of once more dividing the Holy Land by force of arms. Approximately 850,000 Arab citizens of Palestine were turned into refugees by the process and their plight is one of the major world problems of today.

Thus far the Israelis have spurned the United Nations resolution which states:¹⁹⁷

That the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under the principles of international law or in equity, should be made good by the Government or authorities responsible.

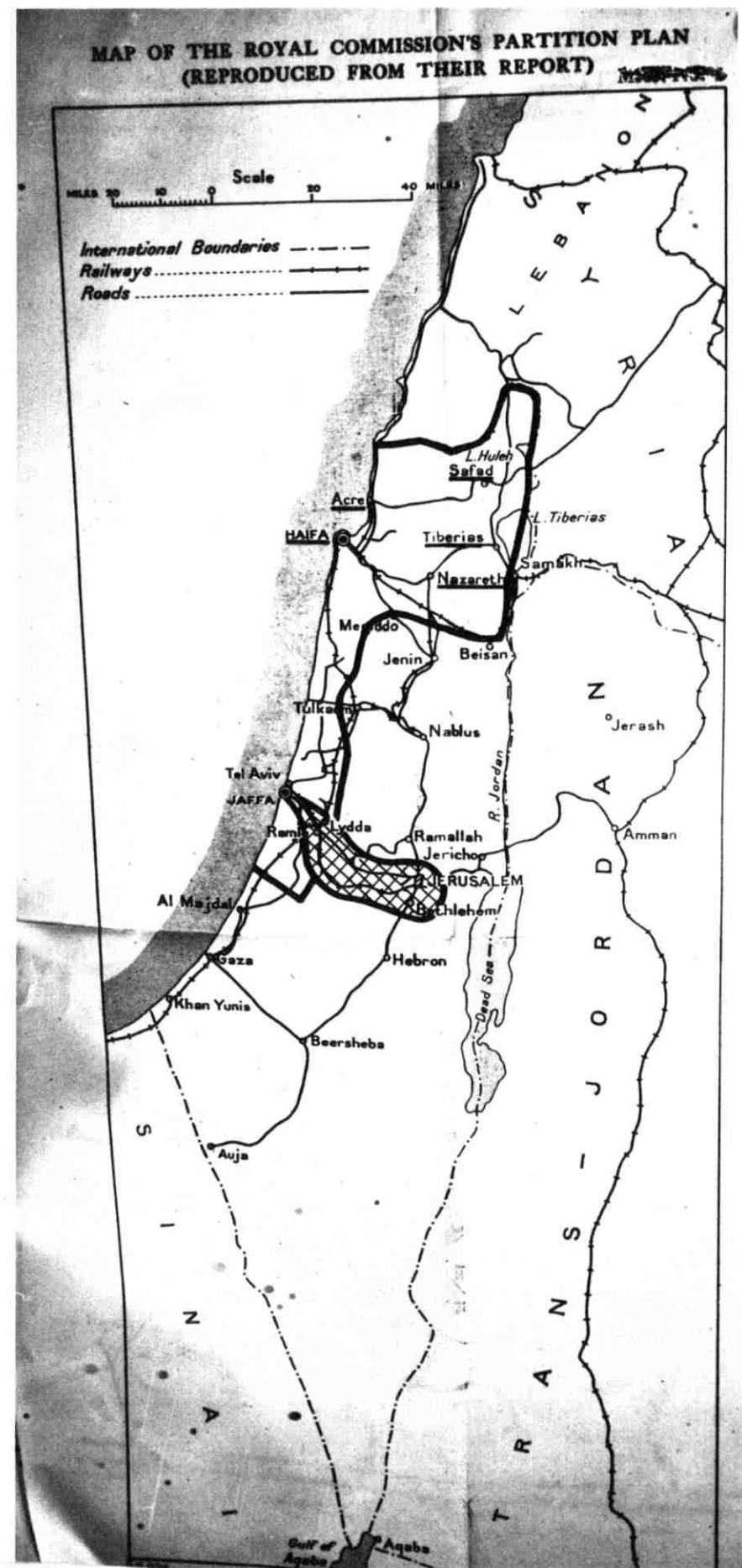
One of the big problems of the Middle East at present, is the permanency of the partitioning of Palestine - will there be a second round of the Palestinian War or will there be a long period of instability with sporadic fighting and eventually peace.

¹⁹⁷Ibid., p. 784.

subsequent analysis of the data will be required - 1/24/71

MAPS

Map No. 1 - reproduced from the Palestine Partition Commission Report, Map No. 3.



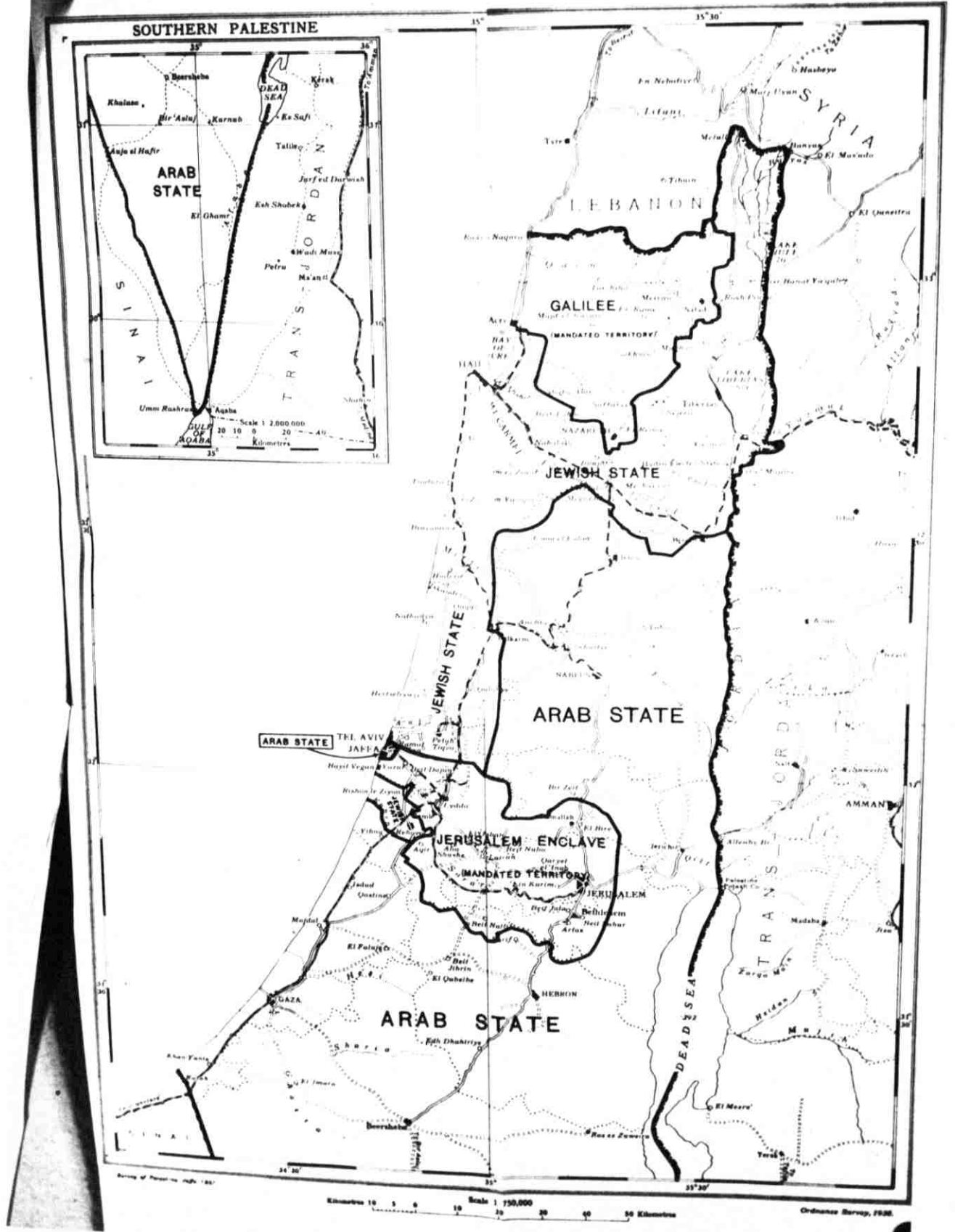
THE A PLAN OF PARTITION

MAP No. 6



Map No. 2 - reproduced from Palestine Partition Commission Report, Map No. 8.

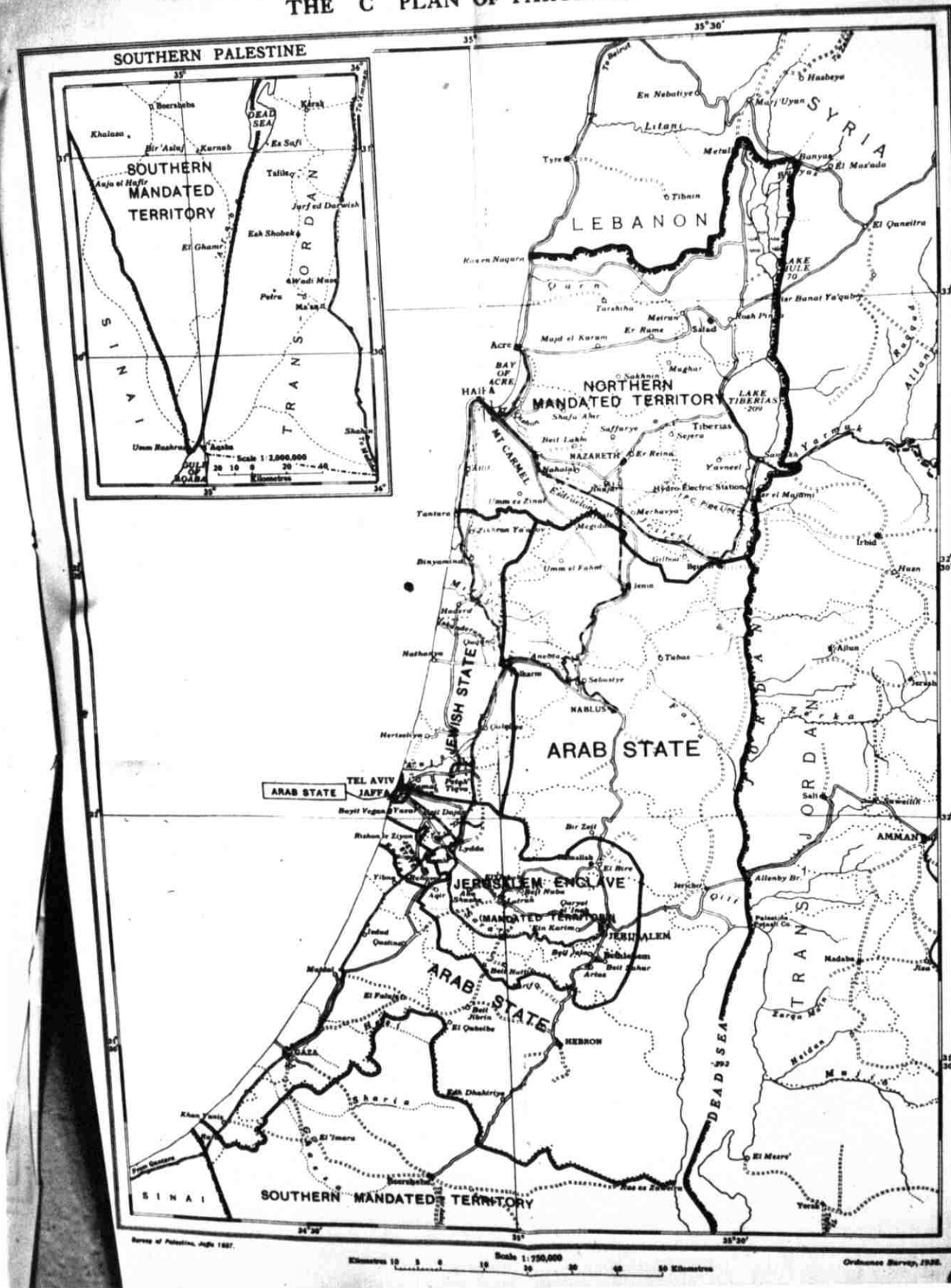
THE B PLAN OF PARTITION



Map No. 3. - reproduced from Palestine Partition Commission Report, Map No. 9.

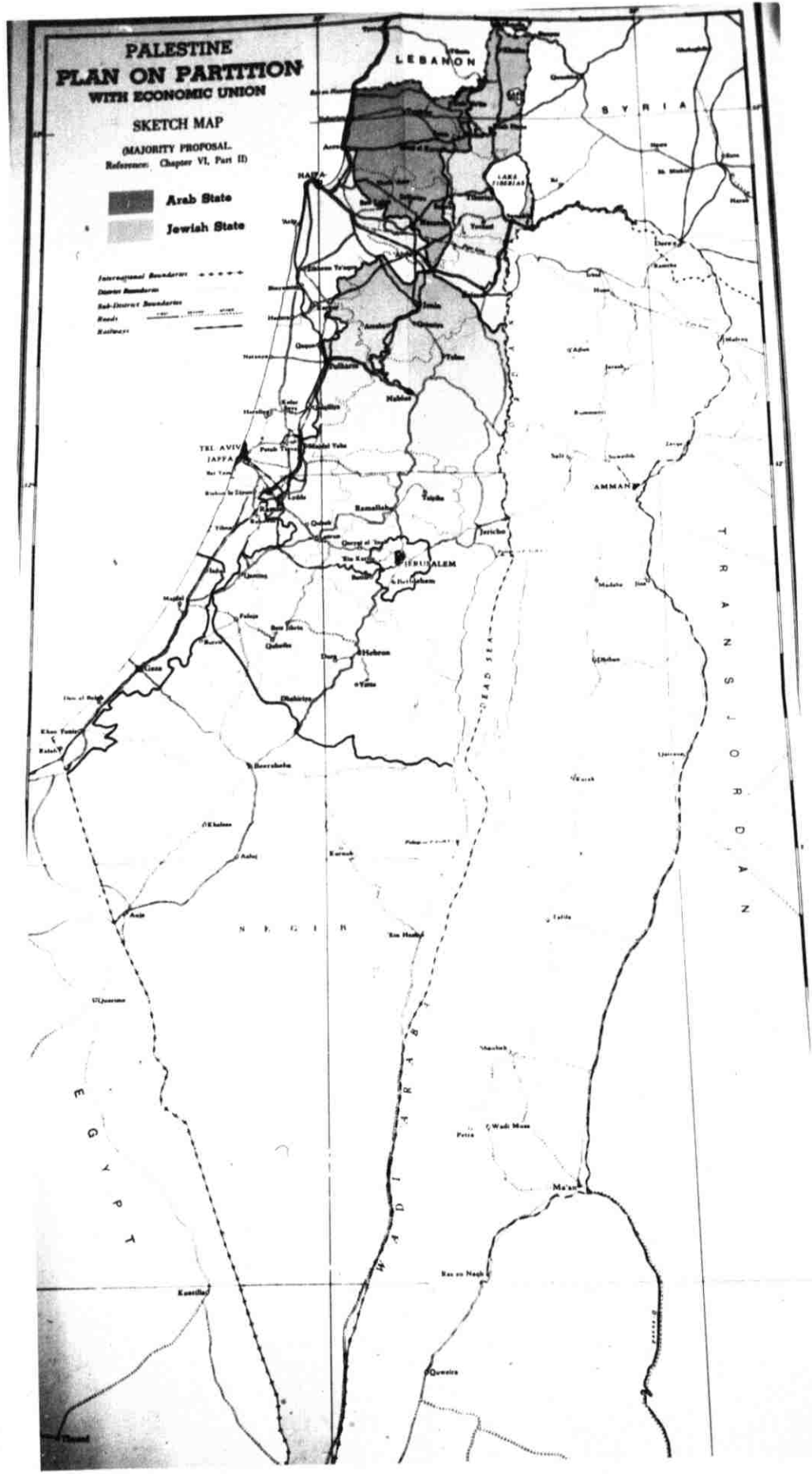
THE C PLAN OF PARTITION

MAP No. 10.



Map No. 4. - reproduced from Palestine Partition Commission Report, Map No. 10.

Map No. 5. - reproduced from United Nations Special Committee on Palestine, Report to the General Assembly of the United Nations Vol. II.



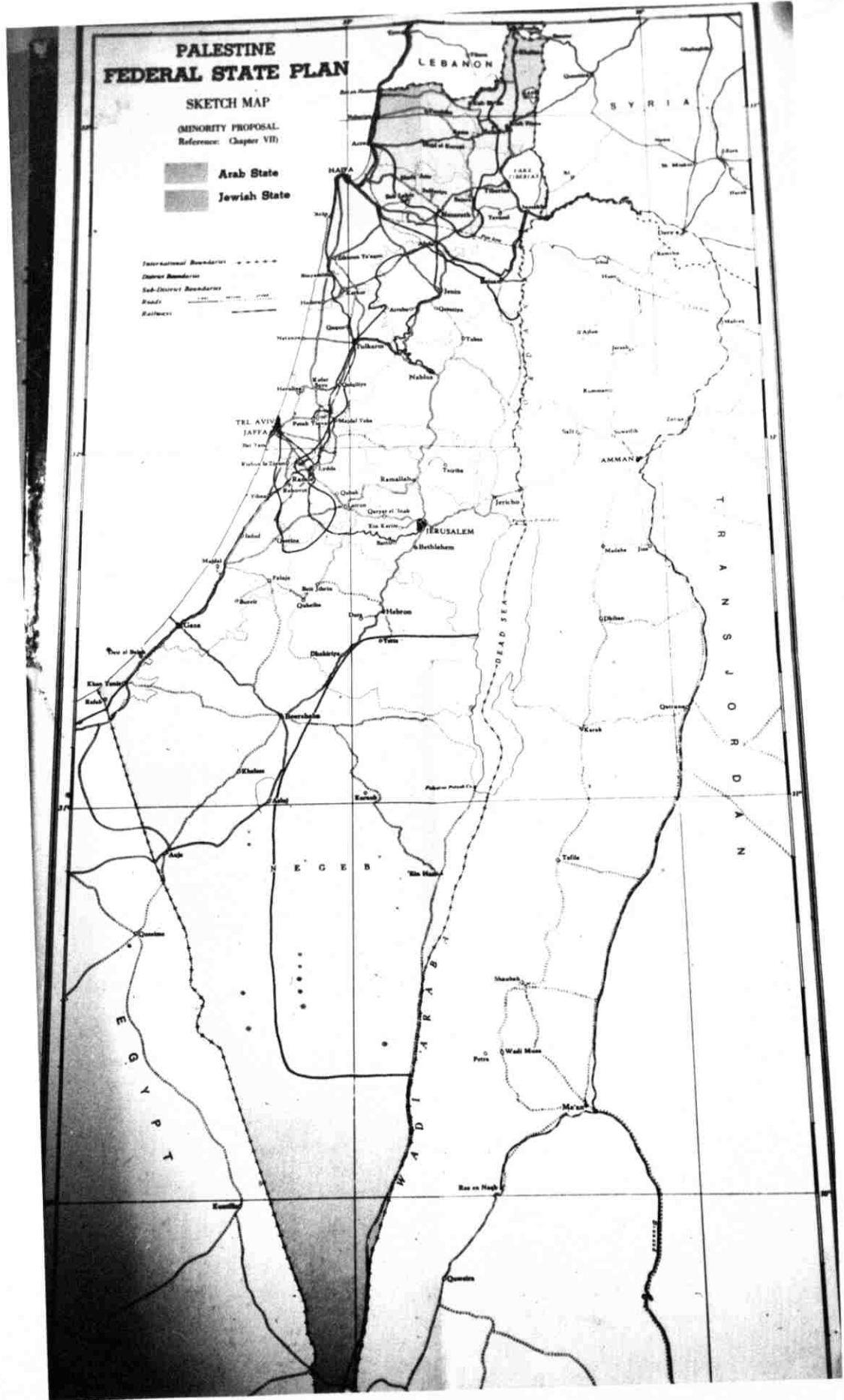
PALESTINE FEDERAL STATE PLAN

SKETCH MAP

MINORITY PROPOSAL
Reference: Chapter VII

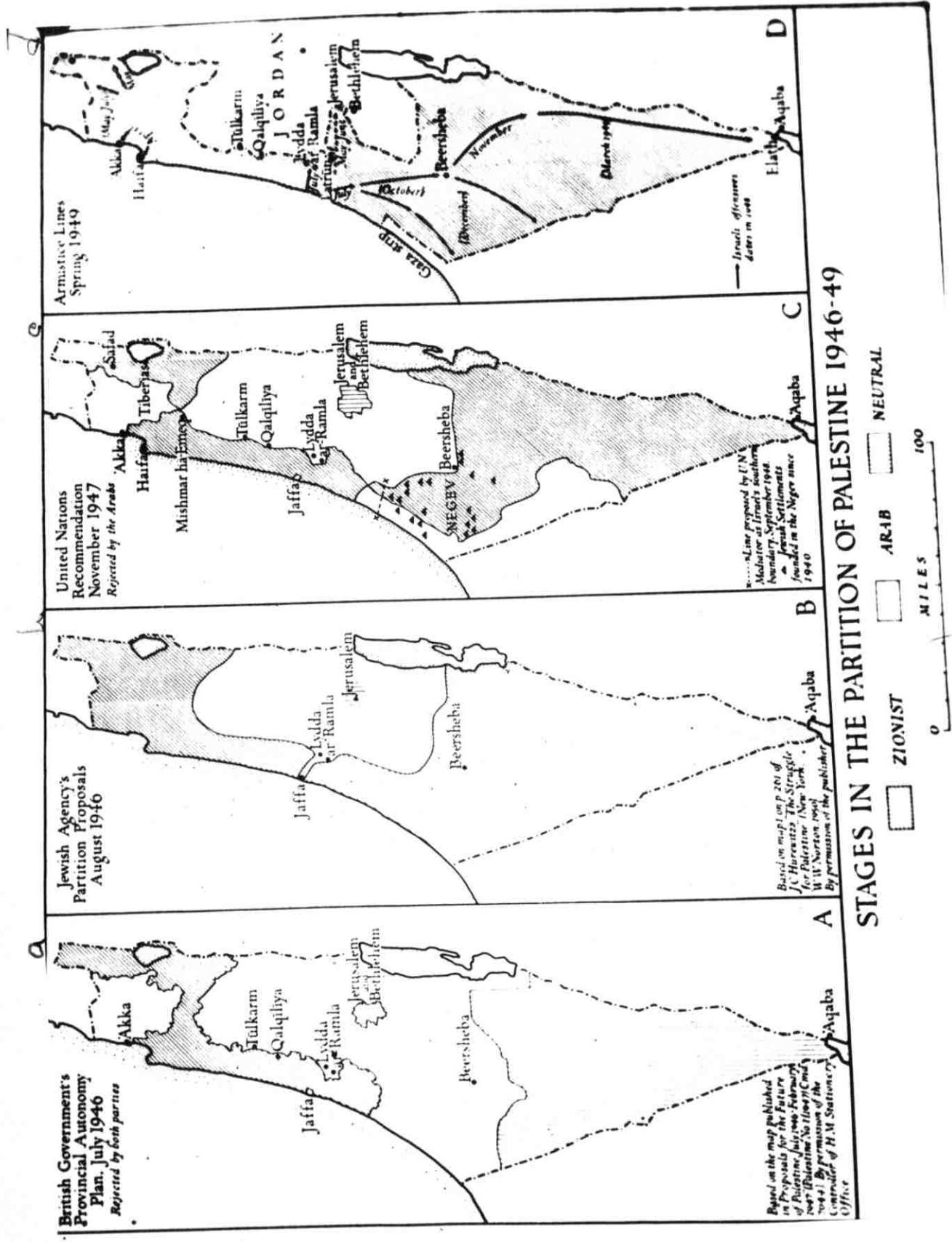
Arab State
 Jewish State

International Boundary
 District Boundary
 Sub-District Boundary
 Road
 Railway



Map No. 6. - reproduced from United Nations Special Committee on Palestine, Report to the General Assembly of the United Nations Vol. II

Map No. 7. - reproduced from map on p. 338 of George Kirk's "The Middle East 1915-1950" (London, Oxford University Press, 1954)



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CHAPTER XI

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