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AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

REPORT OF SUB-COMMITTEE 2

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/INTRODUCTION

### INTRODUCTION

Composition and terms of reference of Sub-Committee 2

1. Sub-Committee 2 on Palestine was set up on 23 October 1947 following the decision of the Ad Hoc Committee on Palestine to establish two Sub-Committees. By virtue of the authority conferred on him by the Ad Hoc Committee, the Chairman nominated the following countries as members of Sub-Committee 2: Afghanistan, Colombia, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, and Yemen.

The terms of reference of the Sub-Committee were as follows:

1. "To draw up a detailed plan for the future government of Palestine in accordance with the basic principles expressed in the proposals submitted to the General Assembly by the delegations of Saudi Arabia and Iraq (documents A/317 and A/328, respectively) and the proposal submitted to the Ad Hoc Committee by the delegation of Syria (document A/AC.14/22); and
2. To incorporate this plan in the form of recommendations."

The Sub-Committee was also authorized to take up and consider any of the other proposals before the Ad Hoc Committee which were considered to be necessary.

2. The Sub-Committee held its first meeting on 23 October 1947 and elected the delegate for Colombia, Dr. A. Gonzalez Fernandez, as Chairman, and the delegate for Pakistan as Rapporteur. It was explained by the Chairman that the representative of the United Kingdom would sit on the Sub-Committee as an observer and that his advice would be available to the Sub-Committee as and when required.

3. On a preliminary review of the task assigned to it, the Sub-Committee felt that it was somewhat unfortunate that both Sub-Committee 1 and Sub-Committee 2 on Palestine were so constituted as to include in each of them representatives of only one school of thought, and that there was insufficient representation of neutral countries. It was accordingly proposed that the Chairman

/of the

of the Ad Hoc Committee should be requested that, irrespective of what might be done with regard to Sub-Committee 1, Sub-Committee 2 should be reconstituted so as to replace two of the Arab states in the Sub-Committee (which were prepared to withdraw) by neutrals or countries which had not definitely committed themselves to any particular solution of the Palestine question. This request was laid before the Chairman of the Ad Hoc Committee, but for reasons which he explained to the Sub-Committee, he could not see his way to accepting the Sub-Committee's recommendation. In those circumstances, the delegate for Colombia resigned on 28 October and Sir Zafullah Khan, the delegate for Pakistan, was elected as Chairman in his place.

Sub-Committee's  
plan of work

4. With regard to its work, the Sub-Committee decided at the very outset to concentrate on three broad issues:
- (i) The legal questions connected with or arising from the Palestine problem, in particular the three proposals bearing on the subject submitted to the Ad Hoc Committee by the delegations of Iraq, Egypt and Syria. (documents A/AC.14/21, A/AC.14/2 and A/AC.14/25).
  - (ii) The problem of Jewish refugees and displaced persons and its connection with the Palestinian question.
  - (iii) The termination of the Mandate over Palestine and constitutional proposals for the establishment of a unitary and independent state on the basis of the proposals submitted by Iraq and Saudi Arabia to the General Assembly.

Working groups were established to deal with each of these main issues and they were constituted as follows:

- (i) Legal Problems - Pakistan, Syria and Saudi Arabia
- (ii) Refugee Problem - Afghanistan, Colombia and Lebanon
- (iii) Constitutional Proposals - Egypt, Iraq and Yemen

The reports of the working groups were considered by the Sub-Committee and, as finally adopted, constitute chapters I, II, and III respectively of this report. The

/conclusions

conclusions of the Sub-Committee have been embodied in the form of three resolutions for submission to the General Assembly, and are contained in the concluding chapter.

5. The Sub-Committee wishes to record its gratitude to Mr. H. Bealey, the United Kingdom representative, for his assistance and advice, and to Mr. H. Vigier, the Secretary of the Sub-Committee, and his colleagues, for supplying the Sub-Committee with some of the documentary material utilized for the preparation of the report, and for their readiness to lend the Sub-Committee their assistance.

CHAPTER I

LEGAL ISSUES CONNECTED WITH THE PALESTINE  
PROBLEM.

Legal issues  
involved in  
Palestine  
problem

6. The problem of Palestine involves certain legal issues which it is essential to decide authoritatively before any solution consistent with international law and justice can be reached. The problem of Palestine necessitates a proper interpretation of the claims of Arabs and Jews to Palestine. The solution of the problem also raises various legal points as to the legality of any proposal for the future of Palestine, as well as the competence of the General Assembly to make and enforce recommendations in this regard.

U.N.S.C.O.P.  
failed to  
consider certain  
legal issues

7. The claims of Arabs and Jews to Palestine have been examined in paragraphs 125 to 180 of Chapter II of the U.N.S.C.O.P. Report. The Special Committee, however, failed to consider and determine some issues and juridical aspects of the Palestine question, and came to wrong and unjustified conclusions in relation to other matters which it did consider. The Special Committee considered neither the validity of the Balfour Declaration, nor the meaning of the term 'Jewish National Home' nor the validity and scope of the provisions of the Palestine Mandate relating thereto. So also the Special Committee evaded the issue relating to the pledges made to the Arabs. It is apparent from the report of the Special Committee that the basic premise underlying the partition proposal made by the majority of the Committee is that the claims to Palestine of the Arabs and Jews both possess validity. This pronouncement is not supported by any cogent reasons and is demonstrably against the weight of all available evidence. These facts take away a good deal from the reliability and authoritativeness of the Special Committee's report, and vitiate some of its most important findings.

8. A number of speakers who took part in the general debate of the Ad Hoc Committee on Palestine laid stress on the legal and constitutional issues connected with the problem of Palestine and on the powers and competence

/of the General Assembly

of the General Assembly to deal with the problem and to recommend and enforce any specific solution. Proposals were also submitted by three delegations suggesting that the advisory opinion of the International Court of Justice should be sought regarding some of the legal issues connected with the problem of Palestine. The Sub-Committee has, therefore, considered it necessary to review the main legal issues involved, and to state the points on which the opinion of the International Court of Justice should be obtained before a solution just to all parties can be evolved.

Issues as to  
pledges made  
to Arabs during  
First World War

9. The claim of the Arabs to Palestine rests upon their centuries old possession and occupation of the country, and their natural right to determine their own future. This claim is further supported by the pledges given to the Arabs by the British Government during the first World War. These pledges are set out in the correspondence between Sir Henry McMahon and Sharif Hussein of Mecca, followed and explained by the Hogarth Message, the Bassett Letter, the Declaration to the Seven, General Allenby's Communication to Prince Faisal, and the Anglo-French Declaration of 1918.

Palestine was included within the territories which Sharif Hussein claimed should become independent at the end of the war. It has, however, been subsequently alleged on behalf of the British Government, that Palestine was intended by them to be excluded from those territories, and that this intention was made known to Sharif Hussein. This contention is negatived both by the wording of the McMahon-Hussein Correspondence, as well as by the subsequent communications and assurances communicated to Sharif Hussein on behalf of the British Government. The Special Committee on Palestine has made a passing reference to this question, but has failed to examine it in detail or to record its considered views on it. This Sub-Committee feels that the controversy regarding the interpretation of the McMahon-Hussein correspondence, and the subsequent declarations can be satisfactorily settled only by obtaining the opinion of an authoritative and impartial judicial tribunal such as the International Court  
/of Justice.

Validity and  
scope of  
Balfour  
Declaration  
and Mandate

of Justice;

10. The Jews, on the other hand, rest their claims regarding Palestine on the Balfour Declaration, which was subsequently embodied in the Palestine Mandate. The Balfour Declaration has been attacked by the Arabs as being invalid on several grounds, inter alia, that it was made without their consent or knowledge, that it was contrary to the principles of national self-determination and democracy, and that it was inconsistent with the pledges given to the Arabs before and after its date. Although the question at issue regarding the legality, validity and the ethics of the Balfour Declaration was specifically raised by the Arab Higher Committee at the Special Session of the General Assembly on Palestine as the first issue to be inquired into, the Special Committee neither inquired into it nor expressed any opinion on it. It did not even mention it as being part of the Arab case. It is, therefore, essential that the question of the validity of the Balfour Declaration should be referred to the International Court of Justice for an opinion.

11. The next question that arises is the proper connotation of the term 'Jewish National Home' as used in the Balfour Declaration, and subsequently in the Palestine Mandate. No definition of this term is contained in either of these documents. It is, however, clear that the Mandatory Power has never interpreted this expression as meaning the setting up of a Jewish State. If the term 'Jewish National Home' means no more than a cultural centre which does not affect or diminish the rights and position of the indigenous population of Palestine, then no insurmountable difficulties arise regarding the interpretation of the Mandate. On the other hand, if the term 'Jewish National Home' is to receive a retrospective interpretation which would derogate from the rights and position of the indigenous population, or result in the establishment of a Jewish State in Palestine, various questions regarding the validity and legal interpretation of the Mandate would then have to be resolved. These issues may be summarized as follows:

- (a) The incompatibility of the two main objectives of the Mandate as expressed in Article 2, as well as  
/the inconsistency



the inconsistency between the provisions of the Mandate regarding the establishment of a Jewish National Home in Palestine and those of the Covenant regarding the preservation of the rights of and the advancement of the indigenous population of the country.

(b) The effect of the dissolution of the League of Nations on the Palestine Mandate.

(c) The extent to which the undertaking regarding the establishment of a Jewish National Home in Palestine may be said to have been carried out.

(d) The legal consequences arising from the declared intention of the Mandatory Power to withdraw from Palestine at an early date.

Views of  
Sub-Committee  
on legal issues

12. The Sub-Committee has carefully considered the issues enumerated above and its conclusions are set out below:

(a) Article 2 of the Mandate requires the Mandatory Power to ensure the establishment of a Jewish National Home in Palestine, and at the same time to safeguard the civil and religious rights of all the inhabitants and to develop self-governing institutions in that country. Article 6 requires the Mandatory to facilitate Jewish immigration under suitable conditions and to encourage Jewish settlement on land while ensuring that the rights and position of the other sections of the population are not prejudiced. The experience of the working of the Mandate for twenty-five years has shown that these objectives are incompatible, and the Mandatory Power has reached the conclusion that it is not possible to give effect to the conflicting obligations imposed by the Mandate. (Statement made by the delegate for the United Kingdom at the meeting of the Ad Hoc Committee on Palestine held on 16 October 1947).

Moreover, the Mandate must be considered in the light of and subject to the provisions of the Covenant of the League of Nations. In accordance with Article 22 of the Covenant, the people of Palestine were one of the communities formerly belonging to the Turkish Empire whose existence as an independent nation was

/provisionally

provisionally recognized by the League of Nations, subject only to the rendering of administrative advice and assistance by the Mandatory Power until such time as it was able to stand alone. The Covenant emphasized that the well-being and the development of the indigenous population of the country formed a sacred trust of civilization and the primary responsibility of the Mandatory Power. In other words, the only limitation upon the sovereignty of the people of Palestine was the imposition of a temporary tutelage under the Mandatory Power. It cannot be suggested that the entry of an unlimited number of Jewish immigrants into Palestine, or the creation of a Jewish State against the wishes of the majority of the people of that country, was in accordance with the aims and objectives of the Mandate and the principles embodied in Article 22 of the Covenant.

(b) In accordance with the preamble of the Mandate, Great Britain undertook "to exercise it on behalf of the League of Nations." This provision was also in accordance with the principles embodied in Paragraph 2 of Article 22 of the Covenant. The operation of the Mandate was further made subject to a periodical review by the Permanent Mandates Commission. With the dissolution of the League, the principal party to the transaction has ceased to exist, and with it has disappeared the legal basis for the Mandate. The fate of Palestine must, therefore, be settled by the people of Palestine.

(c) The possible interpretations of the term 'Jewish National Home' have already been mentioned in a preceding paragraph. In the view of this Sub-Committee, the only interpretation consistent with the objectives of the Mandate and the principles of the Covenant, is that the Jewish National Home is a cultural home for a limited number of Jews, and that it cannot imply any grant of sovereignty to them over any part of Palestine, or a derogation from the civil, economic, political and religious rights of the indigenous population of the country. This is borne out by several statements of the Mandatory Power,

/which itself

which itself issued the Balfour Declaration. In this connection, reference should be made to Paragraph 15 of the Statement of Policy issued by the British Government in 1939, in which it declared:

"His Majesty's Government are satisfied that, when the immigration over five years which is now contemplated has taken place, they will not be justified in facilitating, nor will they be under any obligation to facilitate, the further development of the Jewish National Home by immigration regardless of the wishes of the Arab population."

The Ad Hoc Committee will also recall the statement made before it by Mr. Creech-Jones, the delegate for the United Kingdom, at its meeting on 16 October, in which he declared that, in spite of various difficulties, a national home for the Jews had been established in Palestine.

(d) It has already been pointed out above that, with the dissolution of the League of Nations, the legal basis for the Mandate had disappeared, and that Great Britain was exercising only a de facto authority in Palestine. With the recent declaration of the Mandatory Power, re-affirmed by its delegate at the meetings of the Ad Hoc Committee, that it intends, in the very near future, to withdraw from Palestine and relinquish the Mandate, there is no further obstacle to the conversion of Palestine into an independent state. In effect, this would be the logical culmination of the objectives of the Mandate and the scheme for the development of non-self-governing territories embodied in Article 22 of the Covenant.

13. In the preceding paragraphs, an indication has been given of the views of the Sub-Committee on the principal legal issues connected with the interpretation of the Mandate and the Covenant of the League of Nations, but having regard to the fundamental importance of this question, and the fact that the Sub-Committee has already recommended that the advisory opinion of the International Court of Justice should be obtained regarding the war-time pledges

/to the Arabs

Mode of  
termination  
of Mandate

to the Arabs and the validity and scope of the Balfour Declaration, it is suggested that the International Court of Justice should also be requested to advise on the interpretation, the scope and the validity of the Mandate.

14. The next question which arises is the constitutional method for the termination of the Mandate. This might be viewed from three angles: (a) the termination of the Mandate in accordance with its own provision as read with the principles of the Covenant, assuming that the League of Nations had continued to exist; (b) the termination of the Mandate having regard to the dissolution of the League of Nations; and (c) the termination of the Mandate in the light of the provisions of the Charter of the United Nations.

15. The Sub-Committee has considered all three aspects of this important question and its views are as follows:

(a) It will be recalled that the object of the establishment of Class A Mandates, such as that of Palestine, under Article 22 of the Covenant, was to provide for a temporary tutelage under the Mandatory Power, and one of the primary responsibilities of the Mandatory was to assist the peoples of the mandated territories to achieve full self-government and independence at the earliest opportunity. It is generally agreed that that stage has now been reached in Palestine, and not only the United Nations Special Committee on Palestine, but the Mandatory Power itself, agrees that the Mandate should be terminated and the independence of Palestine recognized. The only proviso deserving mention is that, under Article 28 of the Mandate, the League of Nations is empowered to make such arrangements as may be deemed necessary for safeguarding the rights secured by Articles 13 and 14 regarding the Holy Places in Palestine, and for using its influence to ensure "that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate."

The Mandate for Iraq was terminated in 1932 when the League of Nations was still in existence. The procedure followed was for the Mandatory Power to

/negotiate

negotiate a treaty with a Government representing the people of Iraq, and to secure the formal confirmation of the Council of the League of Nations, and the subsequent admission of Iraq as a member of the League. This precedent is, however, not applicable to the case of Palestine as the League of Nations and its Council are no longer in existence, and there is no international body which has inherited their powers and functions.

(b) It has been explained that, with the dissolution of the League of Nations, the legal basis for the Palestine Mandate has also disappeared, and that the Mandate must be treated to have come ipso facto to an end. But even if it is assumed that the Act of Mandate is still technically in force, the appropriate manner of its formal termination would be by way of transfer of power from the Mandatory Power to a Government representing the people of Palestine. The Mandatory Power would thus be following the recent precedents of Syria, Lebanon, and Trans-Jordan.

(c) Before we consider the effect of the provisions of the United Nations Charter on the Palestine Mandate, it should be pointed out that the United Nations organization has not inherited the constitutional and political powers and functions of the League of Nations, that it cannot be treated in any way as the successor of the League of Nations insofar as the administration of mandates is concerned, and that such powers as the United Nations might exercise with respect to mandated territories, are strictly limited and defined by the specific provisions of the Charter in this regard.

16. A study of Chapter XII of the United Nations Charter leaves one in no doubt that unless and until the Mandatory Power negotiates a Trusteeship Agreement in accordance with Article 79 and presents it to the General Assembly of the United Nations for approval, neither the General Assembly nor any other organ of the United Nations is competent to entertain, still less to recommend or enforce, any solution with regard to a mandated territory. Paragraph 1 of Article 80 is quite clear on this point, and runs as

/follows:

Question of  
competence of  
United Nations

follows:

"Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself, to alter in any manner, the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

17. This view is further confirmed by the resolution passed by the General Assembly at its 27th plenary meeting held on 9 February 1946, and by the fact that the General Assembly has not been able to take any action or to give any directions with regard to the Mandate for South West Africa, unless and until the Government of South Africa submits a Trusteeship Agreement for that territory.

18. In the case of Palestine, the Mandatory Power has not negotiated nor presented a Trusteeship Agreement for the approval of the General Assembly. The question, therefore, of replacing the Mandate by means of a Trusteeship does not arise, quite apart from the obvious fact alluded to above that the people of Palestine are ripe for self-government and it has been agreed on all hands that they should be made independent at the earliest possible date. It also follows, from what has been said above, that the General Assembly is not competent to recommend, still less to enforce, any solution other than the recognition of the independence of Palestine, and that the settlement of the future government of Palestine is a matter solely for the people of Palestine.

19. The Palestine question was brought on the agenda of the General Assembly as a result of a reference from the Mandatory Power asking the Assembly to make recommendations under Article 10 of the Charter, concerning the future government of Palestine. Under Article 10, "The General Assembly may discuss any questions or any matters within the scope of the present Charter... and except as provided in Article 12, may make recommendations to the members of the United Nations, or to the Security Council,

/or to both,

or to both, on any such questions or matters." Mandated territories are within the scope of the Charter but, as explained above, the United Nations can assume jurisdiction with regard to them only when the provisions of Chapter XII of the Charter are applicable, and the formalities laid down therein have been observed. These limitations apply to the powers of the Security Council as well as to those of the General Assembly.

20. The position with respect to the consideration of the Palestine question by the United Nations has changed radically since the receipt of the original request of the United Kingdom. The representative of the United Kingdom informed the Ad Hoc Committee, at its second meeting held on 26 September 1947 that, in the absence of a settlement between the Arabs and Jews of Palestine, the Mandatory Power had decided to terminate the British Administration in Palestine and to withdraw its officials and forces from that Country. Mr. Creech-Jones also emphasized, and this was re-affirmed in his statement to the Ad Hoc Committee on 16 October 1947, that the British Government were not prepared to assume responsibility or even to take a major part in the enforcement of any solution for Palestine which had not been accepted by the Arabs and Jews and which required the use of force for its implementation. In these circumstances, this Sub-Committee is of the opinion that no further action is required of the General Assembly on the original request of the United Kingdom.

To sum up, the dissolution of the League of Nations, and the consequential removal of the legal basis for the Mandate, and the more recent declarations by the Mandatory of its intention to withdraw from Palestine, opens the way for the establishment of an independent Government in Palestine by the people of the Country, without the intervention of either the United Nations or of any other party.

21. In view of the opinion expressed above, no further discussion of the Palestine problem seems to be necessary or appropriate, and this item should be struck off the agenda of the General Assembly. In case, however, the Ad Hoc Committee or the General Assembly were to take a

/different

different view of the matter, and in view of the serious doubts entertained by this Sub-Committee regarding the legal competence of the General Assembly to make any recommendations or to enforce any scheme in Palestine not acceptable to the majority of its population, it would be essential to obtain the advisory opinion of the International Court of Justice on this issue. The opinion of that Court would also have to be sought as to the powers which can be exercised under the Charter by the General Assembly, or by any other organ of the United Nations, with respect to the future government and administration of Palestine, with particular reference to some of the majority recommendations of the United Nations Special Committee on Palestine.

22. During the general debate in the Ad Hoc Committee on Palestine, grave doubts were entertained by several delegates regarding the legality of a number of the majority recommendations of the United Nations Special Committee on Palestine, and the competence of the United Nations to recommend them or to enforce them. The majority proposals of that Committee involve, among other matters:

- (i) The partition of Palestine.
- (ii) The creation of an Arab and a Jewish State.
- (iii) The establishment of a permanent international trusteeship for the City of Jerusalem.
- (iv) The establishment of an international economic trusteeship for a period of ten years, in the first instance, for the whole of Palestine in the guise of an economic union.

23. The Sub-Committee has considered the legal implications of the Majority Report of the United Nations Special Committee on Palestine as enumerated above, and its views are summarized below.

The question of partition of Palestine has to be considered both in the light of the provisions of the Mandate for Palestine, as read with the general principles embodied in the Covenant, and the provisions of the Charter. The United Kingdom took over Palestine as a single unit. Under Article 5 of the Mandate, the Mandatory Power was responsible "for seeing that no Palestine territory

/shall be ceded.

Legal  
implications of  
U.N.S.C.O.P.'s  
majority  
proposals



shall be ceded or leased to, or in any way placed under the control of the government of any foreign Power".

Article 28 of the Mandate further contemplated that at the termination of the Mandate the territory of Palestine would pass to the control of "the Government of Palestine".

So also by virtue of Article 22 of the Covenant, the people of Palestine were to emerge as a fully independent nation as soon as the temporary limitation on their sovereignty imposed by the Mandate had ended.

The above conclusion is, by no means, vitiated by the provisions for the establishment of a Jewish National Home in Palestine. It was not, and could not have been, the intention of the framers of the Mandate, that the Jewish immigration to Palestine should result in breaking up the political, geographic and administrative economy of the country. Any other interpretation would amount to a violation of the principles of the Covenant and would nullify one of the main objectives of the Mandate.

24. Consequently, the proposal of the Majority Plan of U.N.S.C.O.P. to partition Palestine is, apart from other weighty political, economic and moral objections, contrary to the specific provisions of the Palestine Mandate, and in direct violation of the principles and objectives of the Covenant. The proposal is also contrary to the principles of the Charter, and the United Nations have no power to give effect to it. The United Nations are bound by Article 1 of the Charter "to act in conformity with the principles of justice and international law", to respect "the principle of equal rights and self-determination of peoples", and, in the case of non-self-governing territories and mandated areas, to take "due account of the political aspirations of the peoples" and "to promote to the utmost . . . the well-being of the inhabitants of these territories." (Article 73) The imposition of the partition of Palestine against the expressed wishes of the majority of its population can in no way be considered as respect for, or compliance with, any of the principles of the Charter mentioned above.

Moreover, partition involves the alienation of

/territory

territory and the destruction of the integrity of the State of Palestine. The United Nations cannot make a disposition or alienation of territory. Nor can it deprive the majority of the people of Palestine of their territory and transfer it to the exclusive use of a minority in the country.

25. The majority proposal of U.N.S.C.O.P. to create two separate Arab and Jewish States is as invalid as their proposal to partition the country. The United Nations Organization has no power to create a new State. Such a decision can only be taken by the free will of the people of the territories in question. That condition is not fulfilled in the case of the majority proposal, as it involves the establishment of a Jewish State in complete disregard of the wishes and interests of the Arabs of Palestine.

26. The proposal to establish a permanent international trusteeship for the City of Jerusalem cannot be justified under any provision of the Charter. The trusteeship contemplated under Chapter XII of the Charter is, by its very nature, temporary in character, and is intended to assist the people of non-self-governing areas to develop progressively towards self-government or independence as speedily as possible. There is no justification for departing from the original intention of the Palestine Mandate and of the Covenant, that the whole of Palestine, including the City of Jerusalem, should, in the course of time, become fully self-governing. The only qualification imposed by the Mandate was that under Article 28 the independent government of Palestine was required to agree to certain arrangements providing for the protection and maintenance of the Holy Places in Palestine, but it was never intended that this proviso should, in any way, be used to limit or impair the authority of the Government of Palestine over the capital of their Country.

27. The same objection attaches to the proposal for an economic union between the Arab and Jewish States and the Administration of the City of Jerusalem, administered through a Joint Economic Board, consisting of three representatives of each of the two States and three

/foreign

foreign members appointed by the Economic and Social Council of the United Nations. The net effect of this proposal is not only to give the Jewish State a considerable say in the affairs of the Arab State against the wishes of the people of that State, but it also amounts to the United Nations taking a direct part in the administration of the economic life of the Country. In the absence of any trusteeship agreement duly negotiated, there is no provision in the Charter enabling or empowering the United Nations to exercise such authority in any territory, 28. It has been provided in the majority report of U.N.S.C.O.P. that the Arab and the Jewish States shall be granted independence only after they had adopted the constitution proposed by the majority, in particular only after they had signed the treaty of economic union. Apart from the intrinsic defects and impracticability of the constitutional proposals of the majority, which have been mentioned in the preceding paragraphs, neither the Special Committee nor the General Assembly possess the power to grant to, or to withhold from, the people of Palestine their right to complete independence, nor can they make such independence the subject of any conditions or limitations. Even the Mandate and the Covenant of the League of Nations contained no such reservations or permanent limitations on the ultimate sovereignty of the people of Palestine. The object of the Mandate, as read with Article 22 of the Covenant, was to render administrative advice and assistance to the people of Palestine until they were able to stand alone. There was no question of imposing any conditions on them when they were able to stand alone or to take away from them any part of their territory.

Sub-Committee's  
views on  
enforcement of  
majority proposals

29. The United Nations Special Committee on Palestine assumed that its proposals for the future government of Palestine would be put into effect by the Mandatory Power. It is quite clear, from the statements issued by the leaders of the Arabs of Palestine, as well as the representatives of the Arab States at the meetings of the Ad Hoc Committee on Palestine, that the Arabs of Palestine will not be a willing party to this scheme and will oppose

/its introduction

its introduction with all the means at their disposal. It follows, therefore, that the proposals can be put into effect only by using force on a large scale and for a considerable period of time. The Mandatory Power declared as far back as 1939 that it could not contemplate a policy such as that of further expansion of the Jewish National Home by Jewish immigration against the strongly expressed will of the Arabs of Palestine as such policy meant nothing less than 'rule by force'. It was further pointed out in the White Paper of 1939 that 'such a policy seemed to His Majesty's Government, to be contrary to the whole spirit of Article 22 of the Covenant of the League of Nations, as well as to the specific obligations to the Arabs in the Palestine Mandate'. (Paragraph 13 of British White Paper, Cmd. 6019 of May 1939). This view has been reiterated by the representative of the British Government before the Special Committee as well as before the Ad Hoc Committee on Palestine.

30. If the Mandatory Power found it illegal and impractical to use force to give effect to a policy contrary to the rights, and against the wishes of, the great majority of the people of Palestine, still less is there any justification for the United Nations to embark on such a programme. It must not be forgotten that the primary object of the United Nations is "to maintain international peace and security", to "develop friendly relations among nations" and "to be a centre for harmonizing the actions of nations in the attainment of these common ends". (Article 1 of the Charter).

Having regard to the publicly declared views of the various interested parties, the enforcement of the proposals of the majority of U.N.S.C.O.P. can have no other result than to embitter relations between the Arabs and the Jews and to give rise to serious conflict in Palestine. Far from solving the Palestine problem, the solution proposed by the majority would merely tend to create another problem of greater gravity and dimensions.

31. There is another aspect of this case which needs to be emphasized. The forcible creation of a Jewish State within the heart of the Arab world, would constitute a

/serious

serious factor of disturbance, not only within the boundaries of Palestine, but would also jeopardize peace and international security throughout the Middle East. The Jewish State would come into being against the bitter opposition of the Arabs of Palestine and of the inhabitants of the adjoining countries, and would thus create and give rise to an outbreak of hostilities which it may become extremely difficult to check and bring under control. The United Nations would not be promoting the interests of peace and international security by assisting in the creation of a Jewish State, however small.

32. Even if it had been permissible under the Mandate and the Covenant, or under the Charter, to enforce any particular solution on the people of Palestine, there is no provision in the Charter which could enable the United Nations organization itself, or some of its members, to assume power to maintain law and order within Palestine. There is, therefore, no legal basis for the proposal of some of the delegates to raise a voluntary constabulary or police force for the avowed object of maintaining peace and order within Palestine during the transitional period pending the formal establishment of the Arab and Jewish States. Presumably this force would also be utilized for putting down the opposition that is bound to arise to the imposition of the scheme proposed by the majority of the U.N.S.C.O.P. Neither the General Assembly nor even the Security Council can raise a police force of this type for the purpose of enforcing a constitutional settlement, or for maintaining internal law and order, and any such arrangement, by whomsoever it might be sponsored or administered, would be a usurpation of authority and would have no validity in international law.

33. The same remarks apply to the use of regular forces of members of the United Nations. The General Assembly is not competent to make any recommendations as to the use of such forces, and cannot embark on a programme which would lead inevitably to the use of military force.

As regards the Security Council, while it possesses certain powers for the use of force to maintain international peace or to settle disputes between Sovereign  
/States,

States, there is no provision in the Charter to enable the Security Council to use its own or the forces of the members of the United Nations with a view to enforcing a particular policy of the United Nations, or to intervene in the internal affairs of any Country, whether on the plea of maintaining internal law and order, or for any other reason.

34. Before the Sub-Committee concludes the consideration of the legal issues connected with the solution of the Palestine problem, it is necessary to examine, in somewhat greater detail than has been done hitherto, the proposals submitted by the delegations of Iraq, Syria and Egypt to refer some of the legal issues to the International Court of Justice for an advisory opinion. The proposal submitted by the delegation of Iraq (document A/AC.14/10, dated 14 October 1947) asks for the advisory opinion of the International Court of Justice as to whether or not Palestine was included in the Arab territories which were to become independent at the end of the first great war, and were to be recognized as such by Great Britain. This question has been put in the forefront of the Arab case all through the Palestine controversy, and has been prominently raised in the discussions of the Ad Hoc Committee on Palestine. It is imperative that before the Committee proceeds to record any recommendations on the Palestine question, it should arrive at a satisfactory reply with regard to this claim. If the British pledges did include Palestine, and on the available evidence there appears little doubt that they did, the United Nations must respect the pledges, more particularly as the British pledges were repeated in the Anglo-French Declaration after the fall of Damascus and Aleppo.

This is a question which involves investigation, both of fact and of law. It has, so far, not been pronounced upon by any impartial tribunal. The Iraq resolution demands that before any decision is taken on the question of Palestine, the question of British pledges with reference to Palestine should be referred to the International Court of Justice for an advisory opinion. This is an eminently fair proposal. During the general debate in the Ad Hoc Committee,

/no cogent

Consideration of  
proposals to  
refer certain  
legal issues to  
International  
Court of  
Justice

no cogent reasons were given to contest the Arab interpretation of these pledges, though it is possible that some members of the Committee might feel some doubt concerning it. The only way of resolving this doubt authoritatively would be to obtain upon this question the opinion of the International Court. If the Ad Hoc Committee and the General Assembly were to proceed to make recommendations on the merits of the Palestine question, disregarding or brushing aside the Arab claim regarding the pledges, it would give the impression that the United Nations were anxious to record recommendations in accordance with the pre-conceived notions of a majority of the delegates, and were not anxious to arrive at a just and fair decision.

35. The Sub-Committee, while lending its support to the proposal of the delegation of Iraq, would further recommend that the advisory opinion of the International Court of Justice should also be obtained on the validity, the interpretation and the precise scope of the Balfour Declaration. The necessity for such an impartial opinion has already been stressed in an earlier part of the Sub-Committee's report, and it does not seem necessary to deal with it any further.

36. The proposal submitted by the delegation of Syria (document A/AC.14/25, dated 16 October 1947) raises four distinct issues which might be summarized as follows:

- (i) Whether the provision in the Palestine Mandate for the creation of a Jewish National Home by means of admission of immigrants into Palestine against the wishes of the indigenous population is or is not consistent with the Covenant of the League of Nations, (particularly with Paragraph 4 of Article 22 of the Covenant) and with the fundamental right of the people of Palestine to self-determination.
- (ii) Whether the majority plan to partition Palestine is consistent with the objectives and provisions of the Mandate.
- (iii) Whether the plan is consistent with the principles of the Charter.

(iv) Whether the plan to partition Palestine and to carry it out by force is within the competence and jurisdiction of the United Nations.

37. The proposal submitted by the delegation of Egypt (document A/AC.14/24 dated 16 October 1947) deals more or less with the same issues and seeks the opinion of the International Court as to whether the General Assembly is competent to recommend any of the two solutions proposed by the majority or by the minority of the United Nations Special Committee on Palestine, and whether it lies within the power of any member or group of members of the United Nations to implement any of the proposed solutions without the consent of the people of Palestine.

38. The Sub-Committee has already examined in detail the legal issues raised by the delegations of Syria and Egypt, and has recorded its considered views. There is, however, no doubt that it would be advantageous and more satisfactory from all points of view if an advisory opinion on these difficult and complex legal and constitutional issues were obtained from the highest international judicial tribunal.

39. In amplification of the issues mentioned by the delegations of Syria and Egypt, the General Assembly might, with advantage, seek the advisory opinion of the International Court of Justice on whether the United Nations are competent to partition Palestine with the object of setting up more than one state; to impose certain conditions in connection with the attainment of the independence of the proposed Arab and Jewish states; and to set up a permanent international trusteeship for the City of Jerusalem; and to administer an international economic trusteeship for the whole of Palestine by means of the proposed joint economic board.

40. It is a well known dictum that justice must not only be done, but must also appear to be done. One of the surest means of getting a decision accepted by the parties to a controversy is to create confidence in the minds of both sides that the decision has been arrived at impartially after full investigation of all relevant matters. That the legal issues summarized in the



preceding paragraphs are very relevant to the settlement of the Palestine problem, will not be denied. An impartial and authoritative decision upon this matter is, therefore, a necessary and essential preliminary before the Ad Hoc Committee on Palestine and the General Assembly proceed to make any recommendations on the merits of the Palestine problem. A refusal to submit this question for the opinion of the International Court of Justice would amount to a confession that the United Nations are determined to make recommendations in a certain direction, not because those recommendations are in accord with the principles of international justice and fairness, but because the majority of the delegates desire to settle the problem in a certain manner, irrespective of what the merits of the questions, or the legal obligations of the parties, might be. Such an attitude will not serve to enhance the prestige of the United Nations, and this Sub-Committee earnestly hopes that the Ad Hoc Committee on Palestine, as well as the General Assembly, will agree to refer all the legal and constitutional issues connected with the problem of Palestine to the International Court of Justice for an advisory opinion.

CHAPTER II

RELIEF OF JEWISH REFUGEES  
AND DISPLACED PERSONS

41. The question of the relief of Jewish refugees and displaced persons is not strictly relevant to the Palestine problem, but the Sub-Committee has found it desirable to refer to it in view of the misconceptions which are entertained in certain quarters about this matter, and also in view of the fact that it has unnecessarily complicated the Palestine issue and rendered more difficult the reaching of a just and satisfactory settlement.

The majority recommendations of the Special Committee on Palestine envisaged the admission into that country of 150,000 Jewish refugees, and in the course of the general debate in the Ad Hoc Committee on the Palestinian Question, certain delegations based their support for these recommendations on the persecution which the Jews had undergone in Europe, and on the presence in the European displaced persons centres of a large number of Jews.

In these circumstances the problem of refugees and displaced persons, its alleged connection with the Palestinian question, and its possible solution must be studied in the light of the documents at our disposal and the decisions taken by the United Nations or its various organs.

42. From the documents placed at the Sub-Committee's disposal by the Secretariat, the following facts can be ascertained:

- (a) According to statistics published by the Preparatory Commission for the International Refugee Organization, 656,831 refugees and displaced persons were in September receiving care and maintenance from the Preparatory Commission.
- (b) The number of Jewish refugees and displaced persons in assembly centres is about 200,000.
- (c) These documents provide the following interesting details on the national origin of the above-mentioned Jewish refugees:

Facts concerning  
refugees

1. About 75% are of Polish nationality. A large number entered the western zones of Germany and Austria, and Italy during the summer of 1946.
2. About 8% are Roumanian and 6% Hungarian.
3. About 11% are Czech, German, Lithuanian and Yugoslav.

(d) The Jewish refugees and displaced persons are distributed amongst the centres as follows:

1. <u>GERMANY</u>	
American zone	118,000
British zone	14,900
French zone	1,500
2. <u>AUSTRIA</u>	31,500
3. <u>ITALY</u>	<u>11,000</u>
	Total 176,900

To this total should be added the number of Jewish refugees living in:

1. SHANGHAI	10,000
2. CYPRUS	18,900

(e) A resettlement programme has been prepared by the Preparatory Commission for the International Refugee Organization through agreements concluded with a certain number of governments. These agreements envisage resettlement of some 135,000 refugees and displaced persons. In addition, individual resettlements processed by the Commission are anticipated to amount to a monthly average of about 1,000 persons.

(f) Other countries are carrying out resettlement plans of their own without having concluded formal agreements with the Preparatory Commission. These plans envisage a total resettlement of some 165,000 refugees and displaced persons. Furthermore, voluntary agencies are expected to process individual immigrants at the rate of about 1,200 per month.

43. The study of the problem of refugees and displaced persons was begun in London by the Special Committee on Refugees set up by the Economic and Social Council, and the Committee's Report was considered by the Council at

its Second and Third Sessions. The outcome was the adoption by the General Assembly, on 15 December 1946, of the Constitution of the International Refugee Organization, and of various annexes thereto.

Guiding principles adopted by United Nations regarding refugees

The following guiding principles emerge from the discussion as a whole and from the decisions adopted by the United Nations:

- (a) Genuine refugees and displaced persons constitute a problem which is international in scope and character (Preamble, paragraph 2).
- (b) The general principle is the return of refugees and displaced persons to their country of origin (Preamble, paragraphs 3 and 4, and Article 2, paragraph 1, sub-paragraph (b)).
- (c) Only in cases where refugees cannot be repatriated will steps be taken to resettle them elsewhere than in their country of origin (Article 2, paragraph 1, sub-paragraphs (a) and (b)).
- (d) In the performance of its functions, the International Refugee Organization will act in accordance with the purposes and the principles of the United Nations, in particular as regards the resettlement of refugees and displaced persons in countries able and willing to receive them (Article 2, paragraph 1).
- (e) In addition, the Organization will carry out the functions set forth in its Constitution in such a way as to avoid disturbing friendly relations between nations.
- (f) The Organization should exercise special care in resettling refugees or displaced persons either in countries contiguous to their respective countries of origin, or in non-self-governing territories. The Organization should also give due weight to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case by the country of origin of the persons involved, in the latter case by the indigenous population of the non-self-governing territory in question (Annex 1, General Principles, paragraph 1, sub-paragraph (g)).

Comparative  
Figures of Jews  
admitted to  
Palestine and  
other countries

44. In considering the connection of the Palestine problem with the question of refugees and displaced persons, it must be remembered that Palestine, though a small country and possessing very limited resources, has made a contribution to the relief of Jewish refugees far beyond its capacity, falling little short of the total contribution of practically all other countries taken together. The following figures, supplied by the Secretariat, give the number of Jewish immigrants admitted during the years 1933 to 1946 by the principal countries which have accepted them:

1. U. S. A. . . . .	188,648
2. Great Britain. . . . .	65,000
3. Argentina. . . . .	26,000
4. Brazil . . . . .	23,500
5. Chile. . . . .	14,000
6. Bolivia. . . . .	12,000
7. Canada . . . . .	12,000
8. Australia. . . . .	8,500
9. South Africa . . . . .	8,000
10. Uruguay. . . . .	7,000
Total. . . . .	<u>364,648</u>

Palestine. . . . . 287,063 (This is in addition to 118,378 Jews admitted into Palestine during the years 1920 to 1932).

These figures speak for themselves, and are sufficient comment upon the genuineness of the concern felt by many states for Jewish refugees, and upon the patent unfairness of the demand that Palestine should absorb more Jewish immigrants.

Refugees are an  
international  
responsibility

45. In Recommendation VI, U.N.S.C.O.P. has emphasized two important aspects of the problem of refugees and displaced persons in relation to Palestine. First, that the problem of refugees and displaced persons is a recognized international responsibility - and in the view of U.N.S.C.O.P. the General Assembly should undertake immediately the initiation and execution of an international arrangement whereby the problem of distressed European Jews will be dealt with as a matter of extreme urgency.

/Secondly,

Secondly, U.N.S.C.O.P. considered that its recommendation for a programme of international action for the relief of Jewish distressed persons was "a vital prerequisite to the settlement of the difficult conditions in Palestine".

46. Apart from the fact that the specific problem of Jewish refugees and displaced persons is an international responsibility, Palestine cannot provide the solution for it. On the contrary, a perusal of the reports of the debates in the Economic and Social Council and in the Third Committee of the General Assembly would show that no proposal presenting Palestine as a solution for the problem of Jewish refugees was taken into consideration by those organs of the United Nations. Moreover, Recommendation No. VI, which was unanimously adopted by U.N.S.C.O.P., confirms this view implicitly, but nonetheless clearly.

47. In addition, there exist legal, political and economic obstacles and objections to any attempt to solve the problem of Jewish refugees and displaced persons by further immigration into Palestine. The main political ground is that Jewish immigration into Palestine is opposed by the large majority of the population. There can be no justification for recommending any immigration into any country against the wishes of the majority of its inhabitants.

48. The legal objections to any further Jewish immigration into Palestine rest on the following considerations:

(a) The Mandate for Palestine laid down that Jewish immigration into Palestine was to be subject to the following safeguards and restrictions:

(1) The Administration must ensure that "the rights and position" of other sections of the population are not prejudiced. "Rights" must be taken to include the civil, economic, and political rights of the Arabs of Palestine. Again, "position" must necessarily include their economic, social and political position. The position of the Arabs at the time of the Mandate was that of a majority of 93% of the total population.

Objections to  
further Jewish  
immigration into  
Palestine

Its reduction from 93% to 90% or 85% as a result of immigration might not have seriously prejudiced such "position", but its reduction to 66%, where it stands at present, does certainly amount to prejudicing that position.

(ii) The second safeguard laid down by Article 6 of the Mandate was that Jewish immigration could be allowed only "under suitable conditions".

(iii) The third safeguard contained in Article 6 of the Mandate in relation to Jewish immigration was that such immigration was to be controlled by the Administration of Palestine which it was the duty of the Mandatory Power to set up, and which under Article 2 of the Mandate was to become self-governing. In fact, the Mandate contemplated two constitutional governing bodies in respect of Palestine: the "Mandatory" and the "Administration of Palestine". The basic idea of Article 22 of the Covenant, as well as that of the Mandate, was that there should be a Government of Palestine to which the Mandatory Power would give "administrative advice and assistance". The terms of the Mandate distinguish between those two bodies, and assign different functions to them. It appears from Article 6, that the question of immigration was to be within the competence of the "Administration of Palestine", as distinct from the Mandatory, and that the said Administration, developed on self-governing lines and representative of the country, would receive "administrative advice and assistance" within the meaning and according to the objects of Article 22 of the Covenant. This view is in accord with the general principle that no immigration should be allowed into the territory of any nation against the wishes of its inhabitants or without their consent.

(b) U.N.S.C.O.P. observes in paragraph 150 of Chapter II of its report: "To contend, therefore, that there is an international obligation to the effect that Jewish immigration should continue with a view to establishing a Jewish majority in the whole of Palestine, would mean ignoring the wishes of the Arab population and their views as to their own well-being. This would involve an apparent violation of what was the governing principle of Article 22 of the Covenant".

The Special Committee thus conceded that the creation of a Jewish majority by immigration in the whole of Palestine would amount to ignoring the wishes and well-being of the Arab population and to a violation of Article 22 of the Covenant. The Committee, however, in its majority recommendation did not pause to consider that the creation of a Jewish majority in a part of Palestine would also disregard the wishes and well-being of more than half a million Arabs. An injustice would not cease to be an injustice merely because instead of affecting 1,300,000 Arabs it affects only half a million.

(c) In 1939 the British Government officially declared in their statement of policy that their obligation under the Mandate to encourage and develop the establishment of a Jewish national home by immigration had been fulfilled and that further immigration could not be allowed to continue if it was desired not to affect or prejudice the rights of the non-Jewish communities, the rights and position of which the Mandatory was required to protect.

(d) The imposition of any Jewish immigration into Palestine would further constitute a breach of the guiding principles adopted in the resolutions of the United Nations and mentioned briefly in paragraph 43 above.

49. Proceeding to economic considerations, Palestine is a small country, having limited resources, practically no raw materials, and no unoccupied cultivable land available for settlement. This is amply borne out by

/the U.N.S.C.O.P.

U.N.S.C.O.P. view  
of Palestine  
economy



the U.N.S.C.O.P. report, from which extracts are quoted below.

Palestine is already over-populated. Excluding the desert area of Beersheba, it has a density of 324 persons per square mile (Chapter II, paragraph 20). The natural rate of increase of population is very high and leaves no scope for artificial increase by means of immigration.

As already mentioned, Palestine is poor in economic resources and is far from being self-sufficient (vide paragraphs 27 and 54 of Chapter II). Most of the land capable of being cultivated by present methods is under crops (Chapter II, paragraph 27), and the prospect of further development of the semi-desert area of Negeb is "problematic" (Chapter II, paragraph 38). U.N.S.C.O.P. also observed that "in the physical resources which are typically the basis of modern industrial development, Palestine is exceedingly poor, having neither coal, iron nor any other important mineral deposit" (Chapter II, paragraph 9), and in another part of the report it describes Palestine as "a country that is arid, limited in area and poor in all essential resources" (Chapter V, paragraph 3). With regard to industry, U.N.S.C.O.P. observed that "Palestine is not very favourably endowed for industrial production . . . it has no raw materials of any consequence apart from the Dead Sea minerals" (Chapter II, paragraph 43). Industry is on a small scale, and the labour costs are relatively high. Although during the war industry received a great stimulus owing to abnormal demands and the closing of outside sources of supply, yet it would find it difficult to survive post-war competition from the highly industrialized countries of the West.

U.N.S.C.O.P. also drew attention to the adverse balance of trade existing in Palestine, the excess of imports over exports in 1946 being over \$45,000,000. It pointed out that a remarkably large proportion of the balance of imports over exports is financed by import of capital consisting mainly of funds - or gift capital - coming from World Jewry (Chapter II, paragraph 54). It is obvious that this situation is unhealthy and uneconomic.

/Then,

Then, in regard to future prospects, U.N.S.C.O.P. remarked that the "further economic development of Palestine depends to a considerable degree in increasing its trade with other Middle East countries", and that the boycott of Jewish products in Arab countries "would seriously hamper industrial development in Palestine if it were indefinitely maintained" (Chapter II, paragraphs 55-56). It is further mentioned that should there be a fall in military expenditure "a period of economic depression and unemployment would be the natural consequence. Thus the Palestine economy may be expected in the near future to have to adjust itself to the double effect of increased industrial competition and a fall in income as a result of reduction of military expenditure" (Chapter II, paragraph 66).

In view of the facts observed and recorded by the Special Committee itself regarding the economic resources absorptive capacity of Palestine, and its bleak future economic prospects, it is astonishing that the Special Committee, in disregard of all these facts, should have recommended the admission into Palestine of 150,000 Jewish immigrants. It is thus obvious that there is no room for more immigrants in Palestine, and that we must look elsewhere for the resettlement of such Jewish refugees and displaced persons as cannot be repatriated to their countries of origin.

30. The resettlement plans envisaged by the Preparatory Commission for the International Refugee Organization in agreement with a certain number of governments, together with individual resettlement plans carried out by other countries, would, by absorbing about 300,000 persons, be calculated to simplify the task of the United Nations very considerably, if they were carried out in full.

This Sub-Committee deplures the fact that very few Jewish refugees seem to be included in this substantial quota.

31. In this Sub-Committee's opinion, the question of refugees and displaced persons is indivisible in character as regards its possible solution, and there can be no question of discrimination in favour of any particular category of refugees or displaced persons.

/Whatever

Solution for  
problem of  
refugees

Whatever the category of refugees concerned, the solution found must, in this Sub-Committee's opinion, be based on the following two principles:

(a) It is the duty of the Governments concerned to make provision for the return of genuine refugees and displaced persons to the countries of which they are nationals.

(b) Where repatriation proves impossible, the solution should be sought by way of resettlement in the territories of the Members of the United Nations which are in a position to absorb a proportion of the persons concerned.

52. With regard to persons who are not repatriated to their countries of origin, a Special Committee of the General Assembly should be set up to recommend for the acceptance of the Members of the United Nations a scheme of quotas of refugees and displaced persons to be resettled in their respective territories. The Special Committee should, as far as practicable, work in consultation with the International Refugee Organization or its Preparatory Commission. In drawing up this scheme, the Committee should be guided by the principles of the United Nations enumerated in paragraph 43 above. It should, in addition, take into account the national income of each country as indicated by the state of its industry, trade and developed resources, the per capita income of its population, and the area and possibilities of future development, subject to the consideration that the surplus territory of each state must in the first place serve the interests of the normal and natural increase of its own population.

In allocating quotas of refugees and displaced persons for resettlement, account must also be taken of the legitimate apprehensions of some countries as regards their national unity or their social and economic equilibrium. This is an important consideration not only for the populations of the countries in question but also for the refugees themselves who have a vital interest in not incurring the resentment or hostility of local populations.

53. In this Sub-Committee's opinion a solution on these lines, making each country responsible for a moderate number of refugees, should prove acceptable to the great majority of the Members of the United Nations and will go far towards carrying out Recommendation VI of the United Nations Special Committee on Palestine.

CHAPTER III

PROPOSALS FOR THE CONSTITUTION AND FUTURE GOVERNMENT OF PALESTINE

54. The Sub-Committee has been charged with the drawing up of a detailed plan for the future government of Palestine in accordance with the basic principles expressed in the proposals submitted to the General Assembly by the delegations of Saudi Arabia and Iraq, and the proposals submitted to the Ad Hoc Committee by the delegation of Syria. The Sub-Committee, however, considers that it would also be necessary to review some aspects of the majority proposals of United Nations Special Committee on Palestine and to take into consideration some of the salient points brought out in the general debate in the Ad Hoc Committee relating to the basic principles applicable to the constitution and future government of Palestine.

Analysis of  
proposals of  
Saudi Arabia and  
Iraq

55. The proposals submitted by the governments of Saudi Arabia and Iraq to the General Assembly are couched in identical terms and are as follows:

"The termination of the Mandate over Palestine and the recognition of its independence as one state"

(documents A/317 dated 9 July 1947, and A/328 dated 16 July 1947)

The proposals of Saudi Arabia and Iraq raise three distinct issues:

- (a) The termination of the Mandate
- (b) The recognition of the independence of Palestine, and
- (c) The preservation of Palestine as one state.

The Sub-Committee has considered all these three issues raised in the proposal and its conclusions thereon are as follows:

- (a) In Chapter I dealing with the legal issues connected with the Mandate the Sub-Committee has pointed out that the Mandate was invalid ab initio, that on the dissolution of the League of Nations the Mandate had lost its legal basis, that, with the declaration of the British Government of their intention to withdraw, the de facto basis of the

/British

British Administration in Palestine was also on the point of disappearing, and that the only action now outstanding was the manner of the transfer of power to the government of the people of Palestine. The last matter will be considered in a later part of the Sub-Committee's report along with the Sub-Committee's proposals regarding the constitution and future government of Palestine. All that need be said at this stage is that even on the assumption that the Mandate continues to have some legal basis or validity, it has been agreed by all concerned, including the Mandatory Power, that the Mandate should be terminated as early as possible.

(b) There is also general agreement as to the recognition of the independence of Palestine. The Sub-Committee would recommend further that for the reasons adduced in Chapter I of this report, the recognition of the independence of Palestine should not be qualified or retarded by the imposition of any conditions.

(c) The Sub-Committee is in entire agreement with the proposal of Saudi Arabia and Iraq that Palestine should continue as a single undivided state. This is in accord with the wishes and aspirations of the overwhelming majority of the people of Palestine, the objectives of the Covenant and the provisions of the Mandate, and is essential for the orderly political evolution of the country and maintenance of its economic life and prosperity.

Syrian proposal 56. The proposal submitted to the Ad Hoc Committee by the delegation of Syria (document A/AC.14/22), was also considered by the Sub-Committee. It is, however, not necessary to examine it in detail, as on the one hand, some of its aspects are dealt with in Chapter I of this report, and on the other hand, its remaining aspects will be taken into account when the Sub-Committee formulates its own recommendations regarding the future constitution and Government of Palestine.

U.N.S.C.O.F. 57. Before the Sub-Committee indicates the basic Majority scheme of partition principles underlying the constitution of a unitary state in Palestine, and formulates its proposals regarding the future Government, it is considered necessary to examine critically the majority recommendations of U.N.S.C.O.F. for the partition of Palestine and the establishment of an Arab and a Jewish state and of a special administration for the city of Jerusalem.

During the general debate in the Ad Hoc Committee, conflicting views were expressed regarding U.N.S.C.O.F.'s majority scheme. Its legal implications have been pointed out in Chapter I of this report, and it has been mentioned that the Mandate, as well as the Covenant, definitely contemplated the retention of Palestine as a single unit under one government. It has been stressed that the United Nations have no authority under the Charter to partition Palestine or in any way to impair its integrity against the wishes of the majority of its people. It might also be pointed out that the proposal to partition Palestine is contrary to the repeated assurances given to the Arabs during the last thirty years by the Mandatory Power. As late as 1939 the British Government stated that:

"His Majesty's Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish state. They would indeed regard it as contrary to their obligations to the Arabs under the Mandate, as well as to the assurances which have been given to the Arab people in the past, that the Arab population of Palestine should be made the subjects of a Jewish state against their will." (Paragraph 4 of Statement of Policy May 1939. British White Paper Cmd 6019)

Political objections to partition

58. The political objections to the partition of Palestine are no less important than the legal and constitutional objections referred to in the preceding paragraph. Palestine has been administered during the last thirty years as one political, administrative and economic unit. All the measures taken by the Mandatory Power for  
/the government

the government and administration of the country and for the provision of essential services have proceeded on the basis of that unity. The partition of the country would, in the opinion of the Sub-Committee, render the establishment of an efficient administrative machinery in either of the two states impossible.

59. The partition scheme proposed by U.N.S.C.O.P. must also be rejected on grounds of security, since it divides each of the two states into three separate parts connected by points of intersection, and makes it impossible for either state to defend its frontiers or to develop a workable defence plan.

60. This question must also be considered from the wider angle of the peace and security of the Middle East as a whole. Palestine is the centre of communications of the Arab world and it has common frontiers with four Arab States. There is no doubt that the forcible creation of a Jewish State in the heart of the Arab world would introduce a new, highly disturbing factor to peace and security in the Middle East. The proposed Jewish State, if it were set up at all, would come into being against the unyielding opposition, not only of its own considerable Arab population and of the proposed Arab State of Palestine, but also of the inhabitants of the surrounding Arab countries.

61. The next important consideration relating to the partition scheme is the distribution of the population in Palestine as a whole and in the two proposed states. According to U.N.S.C.O.P., the total population of Palestine on 31 December 1946 was 1,845,559, consisting of 1,237,332 Arabs and 608,227 Jews (Chapter II, paragraph 19). These figures are not based on census returns, as no census was held in 1946. The last census took place in 1931. The population figures quoted by U.N.S.C.O.P. are, in fact, based on estimates made by the Palestine Administration, and do not necessarily represent the exact position with regard to the Arab and Jewish population of Palestine.

62. A more serious omission relates to the total exclusion from these figures of Arab Bedouins. U.N.S.C.O.P.

/estimates

Objections to  
partition, based  
on distribution  
of population



estimates the number of Bedouins in Palestine at 90,000, and states that most of these will be included in the proposed Jewish State. (Footnote at page 11 of U.N.S.C.O.P. Report). U.N.S.C.O.P.'s estimate of the Bedouin population is, however, inaccurate and it will be seen from the note submitted to the Sub-Committee by the representative of the United Kingdom on 1 November 1947 that, on the basis of the latest investigation carried out in the Beersheba Sub-District by the Palestine Administration, the Bedouin population of Palestine is now estimated at approximately 127,000. (Appendix 3)

63. In formulating their proposals, the majority of U.N.S.C.O.P. left out the Bedouin population on the assumption that the Bedouins were nomads and should not be counted among the settled population. This assumption is unwarranted. It is generally true to say that the Bedouins of Palestine are settled on the land, some of them living in houses and others in tents. The bulk of them live in the northern and northwestern parts of the Beersheba sub-district, where they are responsible for the cultivation of the greater part of the two million dunams of cereal land. Aerial photographs of this area taken recently by the Royal Air Force show the existence of 3,389 houses and 8,722 tents. (Appendix 3 paragraph 4). A certain proportion of the Bedouin tribes, consisting mostly of shepherds, do move with their flocks to adjacent districts in order to obtain better grazing for their sheep, but this practice is not different from that of shepherds in other parts of the world, and does not justify their exclusion from the settled population of Palestine. These Bedouins have lived in Palestine for centuries and have as much right to be taken into account as any of the other original inhabitants of the country. While they still maintain some of their special customs and usages, they are settled on the land and derive their livelihood from agriculture and grazing. This view is confirmed by the concluding paragraph of the note presented to the Sub-Committee by the representative of the United Kingdom which reads as follows:

/"It should

"It should be noted that the term Beersheba Bedouin has a meaning more definite than one would expect in the case of a nomad population. These tribes, wherever they are found in Palestine, will always describe themselves as Beersheba tribes. Their attachment to the area arises from their land rights there and their historic association with it."

64. According to the U.N.S.C.O.P. Report, the distribution of the settled population in the proposed Jewish and Arab States and in the City of Jerusalem would be as follows:

	JEWIS	ARABS & OTHERS	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

These estimates must, however, be corrected in the light of the information furnished to the Sub-Committee by the representative of the United Kingdom regarding the Bedouin population. According to this statement, 22,000 Bedouins "may be taken as normally resident in the areas allocated to the Arab State under the U.N.S.C.O.P.'s majority plan", and the balance of 105,000 as resident in the proposed Jewish State.

It will thus be seen that the proposed Jewish State will contain a total population of 1,009,800, consisting of 509,780 Arabs and 499,020 Jews. In other words, at the outset, the Arabs will have a majority in the proposed Jewish State.

65. It is even more instructive to consider the relative proportion of Arabs and Jews in the three regions comprising the area of the proposed Jewish State. In its southern section (the Beersheba area), there are 1,020 Jews as against an Arab population of 103,820. In other words, the Jewish population is less than one per cent of the total. It is surprising that an international committee, such as U.N.S.C.O.P. should have recommended the transfer of completely Arab territory and population to the control of less than one per cent Jews, against the wishes and interest of the 99 per cent Arabs. So also in

/the Northern

the Northern section of the proposed Jewish State (eastern Galilee), the Arab population, is three times the Jewish population (86,200 as against 28,750). Only in the Central section of the proposed Jewish State (the plains of Sharon and Esdraelon) the Jews have a majority, the respective population figures being 469,250 Jews and 306,760 Arabs. (These figures do not include Bedouins, as separate estimates are not available for this area). Even in this region, the majority is more apparent than real because almost half of the Jewish population is located in the Jewish towns of Tel Aviv and Petah Tiqva. (For further details, vide Appendix 1)

66. It is also interesting to examine the distribution of Arab and Jewish populations in the proposed Jewish State according to the administrative sub-divisions shown in Appendix 2. Ten sub-districts, in whole or in part, are incorporated in the proposed Jewish State. In nine of these sub-districts, the Arabs have a clear majority over the Jews. Only in one sub-district, namely Jaffa, have the Jews a majority over the Arabs. This is due to the heavy concentration of Jews in the urban area of Tel Aviv.

This is further reinforced by statistics furnished to the Sub-Committee by the United Kingdom representative, showing the percentage of Arabs and Jews in the population of the various sub-districts of Palestine. The statistics are reproduced below:

<u>SUB-DISTRICT</u>	<u>Percentage of Total Population</u>	
	<u>ARABS AND OTHERS</u>	<u>JEWS</u>
Safad	87%	13%
Acre	96%	4%
Tiberias	67%	33%
Beisan	70%	30%
Nazareth	84%	16%
Haifa	53%	47%
Jenin	100%	0%
Nablus	100%	0%
Tulkarm	83%	17%
Ramallah	100%	0%
Jerusalem	62%	38%
Hebron	99%	Less than 1%
		/Jaffa

<u>SUB-DISTRICT</u>	<u>ARABS AND OTHERS</u>	<u>JEWS</u>
Jaffa	29%	71%
Ramle	78%	22%
Gaza	98%	2%
Beersheba	99%	Less than 1%

Distribution  
of land

67. Closely connected with the distribution of population is the factor of land ownership in the proposed Jewish State. The bulk of the land in the Arab State, as well as in the proposed Jewish State, is owned and possessed by Arabs. This is clear from the following statistics furnished to the Sub-Committee by the United Kingdom representative, showing the respective percentages of Arab and Jewish ownership of land in the various sub-districts of Palestine:

<u>PERCENTAGE OF OWNERSHIP</u>		
<u>SUB-DISTRICT</u>	<u>ARABS AND OTHERS</u>	<u>JEWISH</u>
Safad	68%	18%
Acre	87%	3%
Tiberias	51%	38%
Beisan	44%	34%
Nazareth	52%	28%
Haifa	42%	35%
Jenin	84%	Less than 1%
Nablus	76%	Less than 1%
Tulkarm	78%	17%
Ramallah	99%	Less than 1%
Jerusalem	84%	2%
Hebron	96%	Less than 1%
Jaffa	47%	39%
Ramle	77%	14%
Gaza	75%	4%
Beersheba	14%	Less than 1%

(Note: The balance represents waste lands and lands under public ownership, consisting mainly of grazing lands attached to villages.)

It will be seen that there is not a single sub-district in which the percentage of Jewish land ownership exceeds 39 per cent, and that in nine out of the sixteen sub-districts, their percentage of ownership is less than 5 per cent.

68. The village statistics for 1945 prepared by the Palestine Administration and showing the position as at 1 April 1945 furnish interesting data regarding land ownership in Palestine. (Appendix 6). The total Arab land ownership is given in dunums (4 dunums equal approximately 1 acre), as being 12,574,774, as against total Jewish ownership of 1,491,699. This statement also gives details of the land ownership of Arabs and Jews according to the various categories. The following figures are of particular interest:

<u>CATEGORY OF LAND</u>	<u>OWNED BY ARABS</u>	<u>OWNED BY JEWS</u>
	(All figures are in dunums)	
Citrus	135,368	139,728
Bananas	1,843	1,079
Plantations	1,052,222	94,167
Taxable Cereals (Categories 9-13)	5,653,346	869,109
Taxable Cereals (Categories 14-15)	823,046	67,839

69. The above statistics of population and of land ownership prove conclusively that the Arabs constitute a majority of the population of the proposed Jewish State, and own the bulk of the land.

Expedients to  
reduce or disguise  
injustice of  
partition

70. It might be suggested that the injustice to the Arabs might be reduced and the proposal for partition rendered less open to objection by excluding from the Jewish State the predominantly Arab populated areas; or that such injustice might be disguised by increasing the Jewish population of that state by means of fresh immigration.

With regard to the latter expedient, it has already been explained that Palestine has taken more than its due share of immigrants and that it cannot take in any more without serious detriment to the interests and position of the existing population. In any case, it would be unfair to the Arabs of Palestine if, in an area in which they had a clear majority and in which they owned the major portion of the land, they were to be artificially reduced to a minority and subjected to the rule of the Jews

/by means

...by means of the introduction of a large number of fresh immigrants. Such a proposal would be utterly undemocratic and would amount to a complete denial of the rights of the Arab majority. The United Nations cannot, without doing violence to the principles of the Charter, and without serious damage to their prestige, be a party to such manipulation and juggling with the fate of a whole people. This artificial 'processing' must be condemned as arbitrary and unjust.

71. The other expedient suggested, namely, the revision of the boundaries of the proposed Jewish State so as to exclude predominantly Arab populated areas is entirely impracticable. As has been explained, in nine out of the ten sub-districts (or parts thereof) proposed to be included in the Jewish State, the Arabs have a clear majority, and it is only in the tenth sub-district, which includes the town of Tel Aviv, that the Jews have a majority.

Inextricable intermingling of population 72. There is an additional difficulty arising from the fact that throughout Palestine the Arab and Jewish population is inextricably interwoven. There are no territorial frontiers between Arabs and Jews. The bulk of the Jewish population in Palestine is located in towns and only a small proportion (about one-fifth) is settled in rural areas. Apart from Tel Aviv, which is a totally Jewish town, in practically all the other towns such as Haifa, Tiberias and Safad, the Jewish population is completely intermixed with the Arab population and it would be impossible to draw boundaries separating them from each other. The unity of the country and of its population cannot be broken up by any scheme of partition without entailing grave and disastrous consequences. Participation, in the case of Palestine, would amount not to the setting up of two self-contained entities, but to the dismemberment and mutilation of a living body.

Partition not a solution for minority problem 73. It has been argued that the establishment of a Jewish State would solve the problem of the Jewish minority now existing in Palestine. In the whole of /Palestine,

Palestine, the Jews are less than 31 per cent of the total population, whereas, in the proposed Jewish State the Arab population will, at the outset, be in excess of the Jewish population. The U.N.S.C.O.P. majority proposal would, therefore, solve the problem of the Jewish minority only by creating in its place the graver problem of the proportionately larger Arab population in the Jewish State. If minority status is an evil, it would not be fair to cure one evil by the creation of another, and a greater evil.

Result of  
detailed study  
of partition  
scheme by  
Mandatory

74. The intermingling of the population in Palestine is such that it would be impossible to devise a partition scheme which would overcome the objections mentioned in the preceding paragraphs. This is fully confirmed by the detailed enquiries carried out on the spot by the Woodhead Commission in 1938. The Commission was charged with the duty of making concrete recommendations for the implementation of the proposal of the Royal Commission to partition Palestine. The Woodhead Commission, after a detailed investigation, arrived at the conclusion that no partition scheme could be evolved which did not leave a very substantial Arab minority in the territory to be allotted to any possible Jewish State. The British Government upheld the findings of the Commission, and the proposal for partition was abandoned as impracticable. There is nothing in the U.N.S.C.O.P. report to invalidate this conclusion, and the proposal of the majority of the Special Committee is more impracticable and unjust to the Arabs than any of the various partition schemes considered by the Woodhead Commission.

Minority status  
of Jews does not  
justify partition

75. The existence of a Jewish minority does not invalidate the establishment of a unitary state in Palestine. There have been, and there still are, minorities in many countries. Some minorities existed originally as part of the indigenous population, while other minorities were created by immigration. The United Nations cannot subscribe to the principle that a racial or religious minority, whether arising from natural development or created as a result of immigration,  
/can insist

can insist upon the breaking up of a homeland or shatter the political, geographical, and economic unity of a country without the consent, and against the wishes of the majority. The acceptance of such a principle would constitute a dangerous precedent which might be adopted by dissident elements in many states and thus become a source both of internal conflict and international disorder.

76. The Jews who have migrated into Palestine have done so with the knowledge that they were going to live in one country, where they would intermingle with the existing population. At no time were they led to believe by the Mandatory or by the Arabs that a part of Palestine would be set aside for their exclusive occupation. On the contrary, all Jewish immigration was made on the basis of the Mandate which provided in very clear terms for its termination and replacement by one Government of Palestine. The most that the Jewish minority in Palestine can ask for is to be safeguarded against discrimination and unfair treatment. The Arabs of Palestine have repeatedly expressed their willingness to co-operate in devising a practicable scheme for the safeguarding of the legitimate rights and interests of all minorities, and to respect human rights and fundamental freedoms. Any other demand by the Jewish minority would be undemocratic and untenable.

Main reason  
underlying  
partition  
proposal

77. It would appear from the majority proposal of the Special Committee that the main reason for their recommending partition and the creation of a Jewish State was to facilitate Jewish immigration into Palestine. Paragraph 8 of Chapter VI, Part I, of the U.N.S.C.O.P. report reads as follows:

"Jewish immigration is the central issue in Palestine to-day and is the one factor, above all others, that rules out the necessary co-operation between the Arab and Jewish communities in a single State. The creation of a Jewish State under a partition scheme is the only hope of removing this issue from the arena of conflict."

/No argument



No argument could be more fallacious. It is quite true that the Arabs are firmly opposed to further Jewish immigration into Palestine, but there is nothing to show that the opposition would diminish with the establishment of a Jewish State. On the contrary, the removal of the restrictions on immigration hitherto imposed by the Mandatory Power in the interest of the indigenous population and the economic and political welfare of the Country, would tend to intensify such opposition. It is a matter for regret that the Special Committee, instead of finding the ways and means to ensure greater co-operation between Arabs and Jews in a single state, has evolved a scheme which would, in fact, destroy whatever prospects still exist of friendly co-operation between the two communities and lead to most tragic consequences.

78. It has been shown that partition is neither legally objectionable nor justifiable nor politically defensible or expedient. Consideration of the economic aspects of the scheme of partition shows that it is even less worthy of acceptance. There are two vital points involved in the economic aspect of partition that establish its basic impossibility.

**Interdependence of Economy in Palestine**  
As has been observed, Palestine has hitherto been administered as one political and administrative unit. Economic factors also make it one indissoluble unit. The economy of all parts of Palestine is interdependent. Roads, railways and communications and public services have been provided on the basis of a unitary Palestine. Large funds have been spent on the development of the Port of Haifa to serve the commercial needs of the whole of Palestine. An example of the common and indivisible services is the fact that the source of the water supply of the City of Jerusalem is located in the proposed Jewish State and the water will have to pass through the Arab State before it reaches the City. Similarly, the electric supply of almost all of the main towns of the proposed Arab State will have to be obtained from electric installations situated within the proposed Jewish State.

79. U.N.S.C.O.P. fully realized the interdependence of the economy of Palestine and observed that under the

Mandate there had been internal freedom of trade, a common transport system and a single currency. It laid great stress on the economic unity of the country and remarked:

"In appraising the various proposals for the solution of the Palestine question, it shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples." (Unanimous Recommendation No. IX, Chapter V).

The Special Committee accordingly recommended the establishment of an economic union and its operation through a joint economic board. It, however, failed to realize that it is impossible to combine economic union with political division. Economic unity implies consent and cannot be imposed; in fact, it necessitates treaty and involves a joint administration. In view of the unwavering opposition of the Arabs, that arrangement would be impossible.

The emphasis laid by the Special Committee on the economic unity and interdependence of all sections of the population in Palestine leads inevitably to the conclusion that economic unity must necessarily be preserved. This can be achieved only by maintaining political unity.

#### Viability of proposed States

80. The next economic consideration which equally rules out partition is the essential requisite of viability. The proposed Jewish State is to be allotted the best parts of the country and might, therefore, be viable, but the Arab State would be so lacking in resources as to be definitely not viable. The following facts establish these propositions:

(a) It is recognized that citriculture is the most important industry in Palestine and that citrus constitutes the main item of export. According to U.N.S.C.O.P.,

"Citrus is the main export crop; before the trade was interrupted during the war, it accounted /for 80 per cent

for 80 per cent of the total value of exports."

(Chapter II, paragraph 28).

Again in paragraph 27 of Chapter II of its report, the Special Committee says,

"Palestine is still mainly an agricultural country since about 65 per cent of the population gain their living directly from agriculture.

Nevertheless, the country is not self-sufficient in food and is especially deficient in cereal production about 50 per cent of its cereals being supplied by imports."

In paragraph 29 the Committee states that citrus production is approximately equally shared between Jewish and Arab cultivators. In paragraph 53, the Committee mentions that, during the war, the virtual cessation of citrus exports had a great effect on the structure of exports, but this was a purely temporary phenomenon and

"it is evident that citrus exports will again become a dominant element in total exports."

In paragraph 13 of Part I of Chapter VI, the Committee says:

"The Jews will have the more economically developed part of the country, embracing practically the whole of the citrus producing area, which includes a large number of Arab producers."

We have, therefore, this undisputed fact - that the basic industry in Palestine and which largely pays for imports of food, especially wheat, meat and cattle fodder (paragraph 54 of the Report), of which the Arabs own approximately 50 per cent is almost entirely included in the proposed Jewish State.

(b) In addition to the citrus industry, the proposed Jewish State is allotted by the Committee the best agricultural lands in Palestine, leaving to the Arab State certain mountainous regions, largely uncultivable. (Vide column 7 of Appendix 6). The maritime plain running from Gaza to Acre, the

/plain

plain of Esdraelon and the valley of Jezreel, which together comprise the best agricultural areas, are all included within the proposed Jewish State. To quote again from the Special Committee's report, "Apart from these inland plains in the north and portions of the desert area in the south, the interior of the country is very mountainous, with the hills of Judea and Samaria in the centre and the hills of Galilee in the North." (Paragraph 3, Chapter II).

Thus in addition to citrus, the majority of the Committee propose to endow the Jewish State with the most substantial agricultural resources of the country.

(c) The two ports of Palestine, Haifa and Jaffa, which are both predominantly Arab, are included in the Jewish State. The Haifa port was developed with public funds at considerable cost. The Special Committee includes it, with all its possibilities of future development, within the Jewish State, despite the fact that the port serves as the terminal of the Iraq oil pipe line, and is the point of entry of international trade into Palestine, Transjordan and other parts of the Arab world.

81. Attention may now be drawn to some other aspects of the future economy of the proposed Arab State as disclosed in the report of the Special Committee:

(a) In Chapter VI, Part I, paragraph 12, the Committee observes:

"that at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services."

(b) The Arab State would, in effect, have to subsist on international charity. The Special Committee observes:

"As the Arab State will not be in a position to undertake considerable development expenditure,

/sympathetic

sympathetic consideration should be given to its claim for assistance from international institutions in the way of loans for expansion of education, public health, and other vital social services of a non-liquidating nature." (Chapter VI, Part I, paragraph 14).

82. The Special Committee recognizes that viability is an essential prerequisite to any scheme of partition, but makes ~~an attempt to~~ consider it or study it. This important matter was apparently left to the Secretariat, and the note prepared by the Secretariat was incorporated in the Report. This note shows that the Arab State can be made viable only on the basis of a subsidy from the Jewish State. (U.N.S.C.O.P. Report, pages 55-6).

To sum up, it is certain that the proposed Arab State cannot be viable. It would have no cultivable lands of any importance. Such cultivable lands as it would have would not supply a small fraction of the cereal requirements of its population. It would have no other economic resources, no raw materials, no industries, no trade, and would have to subsist on subsidies or loans.

83. It would thus appear that the partition proposal is legally objectionable, politically unjust, and economically disastrous; in short, it is utterly unworkable. The Sub-Committee is therefore compelled to reject partition as a solution of the Palestine problem, and considers that the constitution and future government of Palestine must be based on the fundamental principle of a unitary state.

84. The Sub-Committee has examined the proposals of the Arab States regarding the future constitution of Palestine made to the British Government in 1946 and early in 1947, and has taken into account the statements made during the general debate in the Ad Hoc Committee. The basic idea underlying these proposals, and which is in accord with the principles of the United Nations Charter, is that the future constitution and government of Palestine must be based on the free consent of the

/people

Principles  
underlying  
Constitution  
of unitary  
State in  
Palestine

people of that country and must be shaped along democratic lines. In other words, the constitution of Palestine should be framed by a representative body, namely, an elected Constituent Assembly. The basis and conditions of the franchise, the qualifications of electors, and numerous other complex questions connected with the setting up and working of the Constituent Assembly would have to be decided before the Constituent Assembly could be convened.

85. While the task of framing a constitution must naturally be left to the Constituent Assembly, the Sub-Committee feels that it should indicate in general terms the main principles on which the future constitution should be based. These are summarized below:

- (a) Palestine shall be a unitary and sovereign State.
- (b) It shall have a democratic constitution, with an elected legislature and an Executive responsible to the legislature.
- (c) The constitution shall provide guarantees for the sanctity of the Holy Places covering inviolability, maintenance, freedom of access and freedom of worship in accordance with the status quo.
- (d) The constitution shall guarantee respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion and freedom of religious belief and practice in accordance with the status quo (including the maintenance of separate religious courts to deal with matters of personal status).
- (e) The constitution shall guarantee the right of religious bodies or other societies and individuals to maintain, in addition to educational establishments administered by public authority, educational institutions of their own, subject to normal government supervision and inspection.
- (f) The constitution shall recognize the right of Jews to employ Hebrew as a second official language in areas in which they are in a majority.

(g) The Law of Naturalisation and Citizenship shall provide, amongst other conditions, that the applicant should be a legal resident of Palestine for a continuous period to be determined by the Constituent Assembly.

(h) The constitution shall ensure adequate representation in the Legislature for all important sections of the citizenry in proportion to their numerical strength.

(i) The constitution shall also provide for adequate reflection in the Executive and the Administration of the distribution of representation in the Legislature.

(j) The constitution shall authorize the Legislature to invest local authorities with wide discretion in matters connected with education, health, and other social services.

(k) The constitution shall provide for the setting up of a Supreme Court, the jurisdiction of which shall include, inter alia, the power to pronounce upon the constitutional validity of all legislation, and it shall be open to any aggrieved party to have recourse to that tribunal.

(l) The guarantees contained in the constitution concerning the rights and safeguards of the minorities shall not be subject to amendment or modification without the consent of the minority concerned expressed through a majority of its representatives in the Legislature.

Establishment of  
Provisional  
Government and  
mode of transfer  
of power

86. The next matter that calls for consideration is the setting up of a Provisional Government and the manner of transfer of power from the Mandatory to the Provisional Government. The Sub-Committee recommends that a Provisional Government shall be set up without further delay and that it shall be representative of all important sections of the citizenry in Palestine in proportion to their numerical strength. The representation of Arabs and Jews in the Provisional Government shall be without prejudice to their representation in the future government of Palestine.

87. The legislative, executive and administrative powers and functions of the present Administration of Palestine shall be vested in the Provisional Government as soon as the latter is constituted, and thereupon the Mandatory Power shall begin the withdrawal of its forces and services from Palestine. The plan of withdrawal shall be settled by the Mandatory Power in consultation with the Provisional Government, and the withdrawal shall be completed within one year. This would ensure an orderly transfer of power, and would at the same time enable the Provisional Government to organize its police and security forces and to build up a sound administrative system on national lines.

88. The Provisional Government shall as soon as practicable enact an electoral law for the setting up of the Constituent Assembly, and take steps to complete without delay an electoral register on the basis of that law. The electoral law shall provide for the adequate representation in the Constituent Assembly of all the important sections of the citizenry in accordance with their numerical strength. This shall be without prejudice to their representation in the future Legislature.

89. As soon as the electoral register is completed elections shall be held for the Constituent Assembly. The Constituent Assembly shall then be convened and shall proceed to draw up the constitution of the independent unitary state of Palestine in the light of the basic provisions outlined in the preceding paragraphs. The Constituent Assembly shall also act as a Legislature until the first elections under the new constitution have been held, and during the interval the Provisional Government shall be responsible to the Constituent Assembly.

90. It is essential to add that until the independent state of Palestine legislates otherwise, immigration into Palestine shall be suspended, and the existing land transfer restrictions shall remain in force.

91. The Sub-Committee is persuaded that a constitution

/evolved



evolved on the lines mentioned above is the only practicable solution of a difficult and complex problem, consistent with the principles of justice and democracy and in accord with the best interests of all communities in Palestine.

CHAPTER IV

CONCLUSION

92. The conclusions of the Sub-Committee are embodied in the following three resolutions, which the Sub-Committee recommends for the acceptance of the General Assembly.

Resolution No. I

DRAFT RESOLUTION REFERRING CERTAIN LEGAL QUESTIONS

TO THE INTERNATIONAL COURT OF JUSTICE

CONSIDERING that the Palestine Question raises certain legal issues connected, inter alia, with the inherent right of the indigenous population of Palestine to their country and to determine its future, the pledges and assurances given to the Arabs in the first World War regarding the independence of Arab countries, including Palestine, the validity and scope of the Balfour Declaration and the Mandate, the effect on the Mandate of the dissolution of the League of Nations and of the declaration by the Mandatory Power of its intentions to withdraw from Palestine,

CONSIDERING that the Palestine question also raises other legal issues connected with the competence of the United Nations to recommend any solution contrary to the Covenant of the League of Nations or the Charter of the United Nations, or to the wishes of the majority of the people of Palestine,

CONSIDERING that doubts have been expressed by several member states concerning the legality under the Charter of any action by the United Nations, or by any member state or group of member states, to enforce any proposal which is contrary to the wishes, or is made without the consent, of the majority of the inhabitants of Palestine,

CONSIDERING that these questions involve legal issues which so far have not been pronounced upon by any impartial or competent tribunal, and it is essential that such questions be authoritatively determined before the United Nations can recommend a solution of the Palestine question in conformity with the principles of justice and international law,

THE GENERAL ASSEMBLY OF THE UNITED NATIONS RESOLVES to request the International Court of Justice to give an advisory opinion under Article 96 of the Charter and Chapter IV of the Statute of the Court on the following questions:

- (1) Whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government;

/(11) Whether

- (ii) Whether the pledges and assurances given by Great Britain to the Arabs during the first World War (including the Anglo-French Declaration of 1918) concerning the independence and future of Arab countries at the end of the war did not include Palestine;
- (iii) Whether the Balfour Declaration, which was made without the knowledge or consent of the indigenous population of Palestine, was valid and binding on the people of Palestine, or consistent with the earlier and subsequent pledges and assurances given to the Arabs;
- (iv) Whether the provisions of the Mandate for Palestine regarding the establishment of a Jewish National Home in Palestine are in conformity or consistent with the objectives and provisions of the Covenant of the League of Nations (in particular Article 22), or are compatible with the provisions of the Mandate relating to the development of self-government and the preservation of the rights and position of the Arabs of Palestine;
- (v) Whether the legal basis for the Mandate for Palestine has not disappeared with the dissolution of the League of Nations, and whether it is not the duty of the Mandatory Power to hand over power and administration to a Government of Palestine representing the rightful people of Palestine;
- (vi) Whether a plan to partition Palestine without the consent of the majority of its people is consistent with the objectives of the Covenant of the League of Nations, and with the provisions of the Mandate for Palestine;
- (vii) Whether the United Nations is competent to recommend either of the two plans and recommendations of the majority or minority of the United Nations Special Committee on Palestine, or any other solution involving partition of the territory of Palestine, or a permanent trusteeship over any city or part of Palestine, without the consent of the majority of the people of Palestine;
- (viii) Whether the United Nations, or any of its Member States, is competent to enforce or recommend the enforcement of any proposal concerning the constitution and future Government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent of, the inhabitants of Palestine.

THE GENERAL ASSEMBLY instructs the Secretary-General to transmit this resolution to the International Court of Justice, accompanied by all documents likely to throw light upon the questions under reference.

Resolution No. II

DRAFT RESOLUTION ON JEWISH REFUGEES AND DISPLACED PERSONS

THE GENERAL ASSEMBLY, having regard to the unanimous recommendations of the United Nations Special Committee on Palestine, that the General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem,

BEARING in mind that genuine refugees and displaced persons constitute a problem which is international in scope and character,

CONSIDERING that the question of refugees and displaced persons is indivisible in character as regards its possible solution,

CONSIDERING that it is the duty of the Governments concerned to make provision for the return of refugees and displaced persons to the countries of which they are nationals;

BEING further of the opinion that where repatriation proves impossible, solution should be sought by way of resettlement in the territories of the Members of the United Nations which are willing and in a position to absorb these refugees and displaced persons,

CONSIDERING that Palestine, despite its very small area and limited resources, has absorbed a disproportionately large number of Jewish immigrants and cannot take any more without serious injury to the economy of the country and the rights and position of the indigenous population;

CONSIDERING that many other countries with much greater area and larger resources have not taken their due share of Jewish refugees and displaced persons;

HAVING adopted a resolution (No. 62 (1)) on 15 December 1946 calling for the creation of an international refugee organization with a view to the solution of the refugee problem through the combined efforts of the United Nations; and

TAKING note of the assumption on 1 July 1947 by the Preparatory Commission of the International Refugee Organization of operational responsibility for displaced persons and refugees;

RECOMMENDS:

- (i) That countries of origin should be requested to take back the Jewish refugees and displaced persons belonging to them, and to render them all possible assistance to resettle in life;
- (ii) That those Jewish refugees and displaced persons who cannot be repatriated should be absorbed in the territories of Members of

/the United Nations

the United Nations in proportion to their area, economic resources, per capita income, population and other relevant factors;

- (iii) That a Special Committee of the General Assembly should be set up to recommend for acceptance of the Members of the United Nations a scheme of quotas of Jewish refugees and displaced persons to be resettled in their respective territories, and that the Special Committee should, as far as possible, work in consultation with the International Refugee Organization or its Preparatory Commission.

Resolution No. III

AD HOC COMMITTEE ON THE PALESTINE QUESTION

DRAFT RESOLUTION ON THE CONSTITUTION AND FUTURE GOVERNMENT

OF PALESTINE

THE GENERAL ASSEMBLY, taking note of the declaration by the Mandatory Power of its intention to withdraw from Palestine,

CONSIDERING that Palestine is a mandated territory whose independence was provisionally recognized by virtue of paragraph 4 of Article 22 of the Covenant of the League of Nations;

RECOGNIZING that the only solution in consonance with the objectives of the Covenant of the League of Nations and the principles of the Charter of the United Nations is one that is acceptable to the majority of the people of Palestine;

BEING satisfied that the partition of Palestine is unjust, illegal and impracticable and that the only just and workable solution is the immediate establishment of a unitary, democratic, and independent state, with adequate safeguards for minorities;

BELIEVING that peaceful and orderly transfer of power from the Mandatory to the Government of the people of Palestine is necessary in the interest of all concerned;

RECOMMENDS:

1. That a Provisional Government, representative of all important sections of the citizenry in proportion to their numerical strength, should be set up as early as possible in Palestine;
2. That the powers and functions of the present Administration of Palestine should be vested in the Provisional Government as soon as the latter is constituted;
3. That the Mandatory Power should begin the withdrawal of its forces and services from Palestine as soon as the Provisional Government is installed, and should complete the withdrawal within one year;

/4. That the

4. That the Provisional Government should, as soon as practicable, enact an electoral law for the setting up of a Constituent Assembly, prepare an electoral register, and hold elections for the Constituent Assembly;

5. That the Constituent Assembly should also function as a Legislature and that the Provisional Government should be responsible to it until elections for a Legislature are held under the new constitution;

6. That while the task of framing a constitution for Palestine must be left to the Constituent Assembly, the following basic principles shall be strictly adhered to:

- (i) Palestine shall be a unitary and sovereign State;
- (ii) It shall have a democratic constitution, with an elected Legislature and an Executive responsible to the Legislature;
- (iii) The constitution shall provide guarantees for the sanctity of the Holy Places covering inviolability, maintenance, freedom of access and freedom of worship in accordance with the status quo;
- (iv) The constitution shall guarantee respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion, and freedom of religious belief and practice in accordance with the status quo (including the maintenance of separate religious courts to deal with matters of personal status);
- (v) The constitution shall guarantee the rights of religious bodies or other societies and individuals to maintain, in addition to educational establishments administered by public authority, educational institutions of their own, subject to normal government supervision and inspection;
- (vi) The constitution shall recognize the right of Jews to employ Hebrew as a second official language in areas in which they are in a majority;
- (vii) The Law of Naturalization and Citizenship shall provide, amongst other conditions, that the applicant should be a legal resident of Palestine for a continuous period to be determined by the Constituent Assembly;
- (viii) The constitution shall ensure adequate representation in the Legislature for all important sections of the citizenry in proportion to their numerical strength;
- (ix) The constitution shall also provide for adequate reflection in the Executive and the Administration of the distribution of representation in the Legislature;

/(x) The constitution

(x) The constitution shall authorize the Legislature to invest local authorities with wide discretion in matters connected with education, health and other social services;

(xi) The constitution shall provide for the setting up of a Supreme Court, the jurisdiction of which shall include, inter alia, the power to pronounce upon the constitutional validity of all legislation, and it shall be open to any aggrieved party to have recourse to that tribunal;

(xii) The guarantees contained in the constitution concerning the rights and safeguards of the minorities shall not be subject to amendment or modification without the consent of the minority concerned expressed through a majority of its representatives in the Legislature.

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

(ix)

(x)

(xi)

(xii)

(xiii)

(xiv)

(xv)

(xvi)

(xvii)

(xviii)

(xix) /Appendix 1

Appendix 1

ESTIMATED POPULATION OF PALESTINE AS AT 31ST DECEMBER, 1946

	Moslems	Chris- tians	Druse and Others	Bedouins	Total Arabs and Others	Jews	Total
<b>ARAB STATE</b>							
(a) Western Galilee	88,150	26,390	9,260		123,800	3,040	126,840
(b) Samaria and Judea	466,390	18,660	300		485,350	5,020	490,370
(c) Gaza	116,570	1,290	-		117,860	1,460	119,320
<b>TOTAL</b>	<b>671,110</b>	<b>46,340</b>	<b>9,560</b>	<b>22,000</b>	<b>749,010</b>	<b>9,520</b>	<b>758,530</b>
<b>JEWISH STATE</b>							
(a) Eastern Galilee	81,060	3,700	1,440	13,000	86,200	28,750	114,950
(b) The Plains of Sharon and Esdraelon	252,450	49,960	4,350				
(c) Beer- sheba	11,600	210	10	92,000	103,820	1,020	104,840
<b>TOTAL</b>	<b>345,110</b>	<b>53,870</b>	<b>5,800</b>	<b>105,000</b>	<b>509,780</b>	<b>499,020</b>	<b>1,008,800</b>
<b>CITY OF JERUSALEM</b>	<b>60,560</b>	<b>44,850</b>	<b>130</b>		<b>105,540</b>	<b>99,690</b>	<b>205,230</b>
<b>SUMMARY</b>							
<b>ARAB STATE</b>	<b>671,110</b>	<b>46,340</b>	<b>9,560</b>	<b>22,000</b>	<b>749,010</b>	<b>9,520</b>	<b>758,530</b>
<b>JEWISH STATE</b>	<b>345,110</b>	<b>53,870</b>	<b>5,800</b>	<b>105,000</b>	<b>509,780</b>	<b>499,020</b>	<b>1,008,800</b>
<b>CITY OF JERUSALEM</b>	<b>60,560</b>	<b>44,850</b>	<b>130</b>		<b>105,540</b>	<b>99,690</b>	<b>205,230</b>
<b>TOTALS</b>	<b>1,076,780</b>	<b>145,060</b>	<b>15,490</b>	<b>127,000</b>	<b>1,364,330</b>	<b>608,230</b>	<b>1,972,560</b>



Appendix 2

ESTIMATED POPULATION OF PROPOSED JEWISH STATE AS AT 31ST DECEMBER, 1946

Sub-District	Moslems	Chris- tians	Others	Total Arabs	Jews	Total
<b>(a) Eastern Galilee</b>						
Safad	39,910	550	-	40,460	7,170	47,630
Tiberias	23,940	2,470	1,420	27,830	13,640	41,470
Beisan	16,660	680	20	17,360	7,590	24,950
Nazareth	550	-	-	550	350	900
<b>TOTAL</b>	<b>81,060</b>	<b>3,700</b>	<b>1,440</b>	<b>86,200</b>	<b>28,750</b>	<b>114,950</b>
<b>(b) The Plains of Sharon and Esdraelon</b>						
Nazareth	3,040	980	-	4,020	7,630	11,650
Haifa	90,380	30,990	3,990	125,360	119,010	244,370
Tulkarm	33,750	30	-	33,780	16,180	49,960
Jaffa	95,980	17,790	360	114,130	295,160	409,290
Ramle	26,500	170	-	26,670	29,970	56,640
Gaza	2,800	-	-	2,800	1,300	4,100
<b>TOTAL</b>	<b>252,450</b>	<b>49,960</b>	<b>4,350</b>	<b>306,760</b>	<b>469,250</b>	<b>776,010</b>
<b>(c) Beersheba</b>						
Gaza	5,330	-	-	5,330	510	5,840
Beersheba	6,270	210	10	6,490	510	7,000
<b>TOTAL</b>	<b>11,600</b>	<b>210</b>	<b>10</b>	<b>11,820</b>	<b>1,020</b>	<b>12,840</b>
<b>TOTALS</b>	<b>345,110</b>	<b>53,870</b>	<b>5,800</b>	<b>*404,780</b>	<b>499,020</b>	<b>*903,800</b>

\* Note: The above figures do not include Arab Bedouins. The number of Bedouins in Palestine in 1946 has been estimated by the Palestine Administration at 127,000, of whom 105,000 reside in the area of the proposed Jewish State and 22,000 in the proposed Arab State.

Appendix 3

NOTE ON THE BEDOUIN POPULATION OF PALESTINE  
PRESENTED BY THE REPRESENTATIVE OF THE  
UNITED KINGDOM

1. The nomad population of Palestine has been enumerated completely on two occasions (1922 and 1931) and partially on one occasion (1946). The figures resulting from these enumerations were as follows:

<u>Year</u>	<u>No.</u>
1922	103,000
1931	67,000
1946 (Beersheba) area only)	92,000

2. The 1922 enumeration was not a direct one, certain indirect methods having been used. It was not possible for the census authority to state the degree of accuracy of the figures. The 1931 enumeration was more direct but was stated by the officer who carried out the work to be incomplete approximately by as much as 20 per cent. The author of the 1931 Census Report for all Palestine stated however, on the basis of certain checks, that the degree of incompleteness was less than 20 per cent. The Government Statistician has examined the checks made and does not consider that the conclusion of the author of the Census Report was justified. If we accept the estimate of the officer who took the 1931 census the figure for the Bedouin of all Palestine would have been not 67,000 but 84,000.

3. The latest census of Bedouin resident in the Beersheba area was undertaken by the Government Statistician in May 1946 as a preliminary operation of the Census of Palestine scheduled for November 1946 but later postponed. The count was a direct one carried out by officers of the Department of Statistics working with enumerators recruited from among the literate members of the tribes. Each tribal chief was asked for particulars of the sub-tribes of his tribe, viz., name of sub-tribal chief and present location. The sub-tribal chiefs were then visited and asked to give particulars of the name and location of each hamuleh (clan). The clan chiefs were then called upon to proceed with the enumerator to each head of household where particulars were taken, in situ, of the name, age, sex, literacy and relationship of each member of the household. This method of enumeration, being based on the tribal structure of relationships and not on any geographical basis (other than that of restriction to the Beersheba area) was calculated to give a greater degree of accuracy than either of the earlier enumerations.

/4. In addition

4. In addition to the census method some idea has been obtained of the size of the Bedouin population from a plotting of the tents and houses that could be spotted from aerial photographs taken by the R.A.F. over northern Beersheba about the same period of the year. The results obtained from the aerial photographs indicate that the figure of 48,000 (which was the only estimate available of the Beersheba Bedouin up to 1946) is greatly understated if applied to the population of 1946. The number of houses shown was 3,389 and of tents 8,722. The bulk of the population lives in the northern and north-western parts of the Beersheba sub-district where the average rainfall is from 200 to 300 millimetres a year and where the greater part of the two million dunums of cereal land cultivated by the Bedouin is situated.

5. As regards the rest of the country it is not possible to give any close estimate of the present Bedouin population. In 1931 the Beersheba tribes amounted to approximately 72 per cent of the total Bedouin population. If this relationship between Beersheba and the rest of Palestine still holds good the total Bedouin population would be in the region of 127,000. The division of these figures as between the various sub-districts of normal residence is as follows:

<u>Sub-District</u>	<u>1931 Census</u>	<u>1946 Estimate</u>
Beersheba	48,000	92,000
Nablus	220	400
Hebron	2,000	3,800
Jerusalem	7,070	13,400
Gaza	530	1,000
Ramleh	3,780	7,200
Jaffa and Tulkarm	5,000	9,500
<b>TOTAL</b>	<b>66,600</b>	<b>127,300</b>

Of these 127,000 approximately 22,000 may be taken as normally resident in the areas allocated to the Arab State under the UNSCOP majority plan.

6. It should be noted that the term Beersheba Bedouin has a meaning more definite than one would expect in the case of a nomad population. These tribes, wherever they are found in Palestine, will always describe themselves as Beersheba tribes. Their attachment to the area arises from their land rights there and their historic association with it.

1st November, 1947

# PALESTINE DISTRIBUTION OF POPULATION

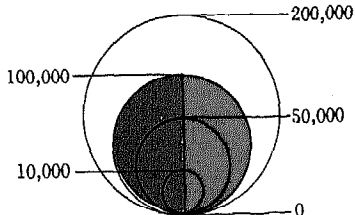
BY SUB-DISTRICTS

WITH PERCENTAGES OF  
(a) JEWS AND (b) ARABS  
(Including the smaller  
minorities)

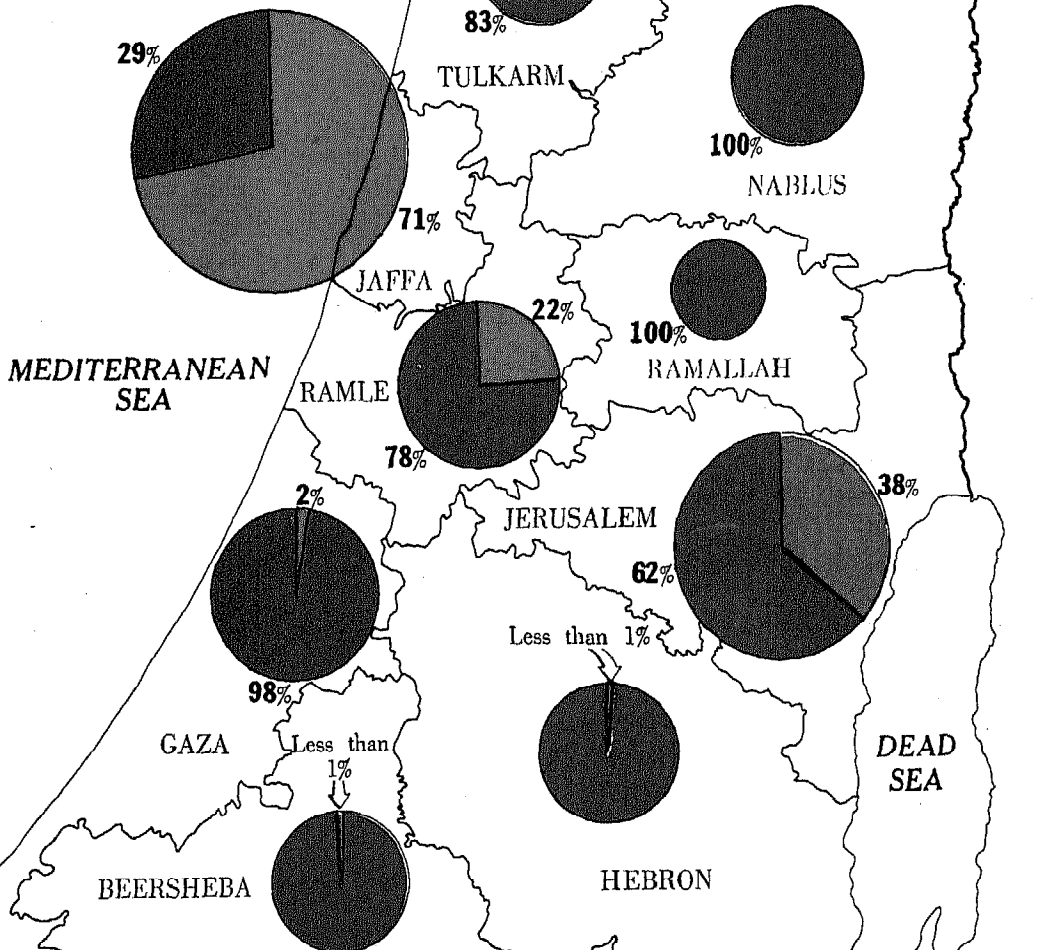
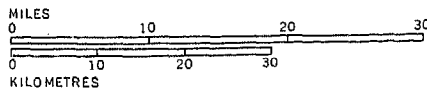
(Estimated, 1946)

(Prepared on the instructions of Sub-Committee II of  
the Ad Hoc Committee on the Palestinian Question)

SCALE OF POPULATION



**ARABS JEWS**  
(Including the smaller  
minorities)



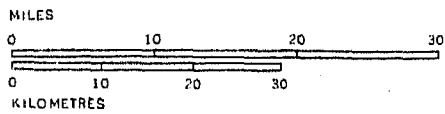
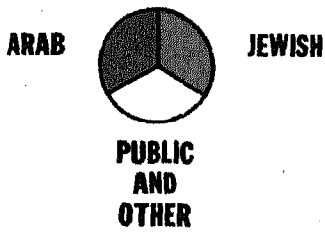
SOURCES: Data for settled population from: SUPPLEMENT TO SURVEY OF PALESTINE, prepared for the United Nations Special Committee on Palestine, Jerusalem, June 1947, pp. 12-13.  
Data for Bedouin population (estimated at 127,000) supplied by the United Kingdom Delegation to the United Nations.  
N.B.: The given combined estimate of 9,500 Bedouin for Jaffa and Tulkarm was distributed: 5,000 for Jaffa, 4,500 for Tulkarm.

# PALESTINE LAND OWNERSHIP BY SUB-DISTRICTS

(1945)

(Prepared on the instructions of Sub-Committee II of the Ad Hoc Committee on the Palestinian Question)

## PERCENTAGES



MEDITERRANEAN

SEA

DEAD

SEA

BEERSHEBA

GAZA

HEBRON

JERUSALEM

RAMLE

RAMALLAH

JAFFA

NABLUS

TULKARM

JENIN

HAIFA

ACRE

TIBERIAS

SAFAD

Lake Tiberias

BEISAN

NAZARETH

SOURCE  
VILLAGE STATISTICS, Palestine Government, Jerusalem, 1945.