

APPENDIX IV

PALESTINE : HISTORICAL BACKGROUND**The First World War**

Before the first world war, the area to-day identified as Palestine had no separate existence as a single administrative unit within the Turkish Empire. Its population consisted of some 689,000 persons, of whom about 85,000 were Jews. The remainder were an Arabic-speaking people, racially mixed but linguistically and culturally akin to the peoples of Syria, Mesopotamia, the Arabian peninsula and Egypt. The great majority of the Palestinian Arabs were Moslems, somewhat less than 10 per cent. being Christians. The economy of the land was overwhelmingly agricultural and the standard of living was low.

During the course of the first world war, which brought a British military occupation of Palestine, various commitments relating directly or indirectly to that area were made by the British and the other Allied and Associated Governments. The Hussein-McMahon letters of 1915-1916 promised British assistance to the Arab peoples in freeing themselves from the Turks and in establishing their independence. The limitations and restrictions placed upon this promise have always been held by the British Government to have excluded the area of Palestine. The Arab leaders, however, have insisted that Arab independence was promised there as elsewhere.

In 1917, the British Government issued the Balfour Declaration, stating that it viewed with favour the establishment in Palestine of a National Home for the Jewish people and would endeavour to facilitate the achievement of this object, although nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine. The French and Italian Governments endorsed the Declaration in 1918, and a Joint Resolution of Congress in 1922 gave formal United States sanction to the ideal of the Jewish National Home. This term "National Home" was new to international law and subject to varied interpretations. It appears certain that no one in 1917 contemplated the immediate creation of a Jewish State to rule over the large Arab majority in Palestine. But many responsible persons in the British and United States Governments and among the Jewish people believed that a considerable Jewish majority might develop in Palestine in the course of time, and that a Jewish State might thus be the ultimate outcome of the Balfour Declaration.

These war-time commitments complicated the future of Palestine. Arab leaders could insist that they possessed a promise of an independent Arab Palestine as an additional support to their claims on the land based upon prescription and national self-determination. The Jews could claim an international pledge to assist in the creation of a Jewish National Home in Palestine.

The Palestine Mandate

As a part of the peace settlement at the end of the first world war, Palestine was placed under a League of Nations Mandate with Great Britain as the administering Power. The mandatory instrument approved by the Council of the League of Nations in July, 1922, and becoming effective in September, 1923, recited the Balfour Declaration and gave recognition to the historical connection of the Jews with Palestine and to their right to reconstitute their National Home in that country. Legislative and administrative authority

was given to the Mandatory which was enjoined to place the country under such political, administrative, and economic conditions as would secure the establishment of a Jewish National Home and the development of self-governing institutions, and was also enjoined to safeguard the civil and religious rights of all the inhabitants of Palestine, irrespective of race or religion. A Jewish agency was to be recognised as a public body to advise and co-operate with the Palestine Administration in matters affecting the National Home. The Mandate, moreover, required Great Britain to facilitate Jewish immigration and to encourage close settlement on the land. Though extensive safeguards were provided for the non-Jewish peoples, the Mandate was framed primarily in the Jewish interest.

Even before the Palestine Mandate went into effect, it had become evident that the Arab leaders in Palestine were not prepared readily to acquiesce in the creation of a Jewish National Home. Arab independence was their demand. Riots occurred in 1920 and 1921, and Arab unrest spread. An effort to define the term "National Home" in the hope of calming Arab fears and conciliating Arab opinion appeared to the British Government to be essential. The Churchill White Paper of 1922, therefore, disclaimed the intention of creating a Jewish State in Palestine, defined the National Home in terms of a culturally autonomous Jewish community, and looked forward to the ultimate creation of a bi-national but unitary Palestinian State in which Jews and Arabs might co-operate. It agreed that Jewish immigration must continue, but established the concept of the economic absorptive capacity of the country as a limiting factor. This statement of policy was accepted, though without enthusiasm, by the Jews, but was rejected by the Arabs. Arab refusal to co-operate resulted in the abandonment of a plan to introduce an elective element into the central government. The first of the major attempts to settle the Palestine problem thus failed. Arab-Jewish co-operation was not obtained.

The Disturbances of 1929 and the 1930 White Paper

The years between 1923 and 1926 were ones of relative peace in Palestine. The Government was organised largely on the Crown Colony model with the responsible posts in the hands of British officials. Under the terms of the Religious Communities Ordinance, the Jewish community established an organisation with many of the attributes of a semi-autonomous government, but the Arabs, intent on independence, rejected such a status for themselves. The population, which in 1922 stood at 757,000 persons, of whom slightly more than 11 per cent. were Jews, increased by 1929 to 960,000, of whom more than 16 per cent. were Jews. This increase in the Jewish percentage appeared highly alarming to the Arab leaders.

In 1929 Arab dissatisfaction with the Mandate and the modified Jewish National Home of the White Paper showed itself in serious riots. A new statement of policy appeared necessary to the Shaw Commission which investigated the disturbances, and in October, 1930, the Passfield White Paper was issued. It reiterated the cultural nature of the National Home as defined in the Churchill Paper of 1922, and proposed further restrictions upon immigration and more stringent limitations upon the right of land purchase. It specifically espoused the theory of a bi-partite and equal obligation under the Mandate to the Jews and the Arabs and denied that the clauses designed to safeguard the rights of the non-Jewish communities were merely secondary conditions qualifying the provisions which called for the establishment of the National Home. It proposed the creation of a legislative council, modelled on the lines of that suggested in 1922. This statement was particularly unpalatable to the Jews, and the MacDonalld letter of 1931, issued as an official interpretation of the policy, virtually explained away the intent to limit

immigration and land sales. It also announced that the mandatory clauses protecting Arab rights were not to be construed as freezing existing conditions. Though the Jews were somewhat placated, the Arabs were correspondingly indignant, and the second major attempt to settle the Palestine issue failed.

The Arab Revolt and Partition

In the years from 1931 to 1936 the material progress of Palestine in agriculture and industry tended to reduce political unrest and tension. New proposals for a partially elected legislative council were presented by the Administration but were again rejected, this time by the Jews. Meanwhile, the population had grown to 1,366,000 persons, of whom almost 28 per cent. were Jews.

Arab displeasure showed itself again in 1936 in a general strike in support of demands for self-government, the prohibition of land transfers to Jews, and the immediate cessation of Jewish immigration. The strike was marked by violence which again brought the Palestine problem sharply to the attention of the British Government. The Royal Commission which was established to investigate the situation denied the theory of equal obligations to Arabs and Jews, arguing that the Mandate had been predicated upon the supposition that the Palestine Arabs would accept the Jewish National Home. Since they had not done so, the Commission reached the conclusion that the Mandate had become unworkable and must be abrogated. It suggested Partition. A Jewish State would include Galilee, the plain of Esdraelon and the coastal plain; an Arab State most of the rest of Palestine and Trans-Jordan. Permanent Mandates were proposed for the Jerusalem area and certain Christian Holy Places.

The Peel Report was published on 7th July, 1937. At the same time, the British Government released a statement of policy, agreeing with its conclusions and proposing to seek from the League of Nations authority to proceed with a plan of partition. The reception accorded the Peel proposals was, however, generally unfavourable. The Jewish Agency at once attacked partition as a breach of the Balfour Declaration which had promised a National Home in the whole of Palestine. Later, however, both the Zionist Organisation and the Jewish Agency adopted resolutions which authorised negotiations with the British Government to ascertain the precise terms to be advanced for the creation of a Jewish State, though they rejected the details of the Peel plan. The Arab leaders, both in the Husseini-controlled Arab Higher Committee and in the Nashashibi National Defence Party denounced partition and reiterated their demands for independence. In Great Britain the House of Commons adopted a non-committal resolution, whereby the Cabinet was authorised to seek League of Nations approval of partition as a preliminary to the drafting of a definite plan for submission to Parliament. In its turn the Permanent Mandates Commission conceded that it would be desirable to examine a plan of partition but opposed the immediate grant of independence to the new States which, it held, would need a period of tutelage under Mandate. Finally, the League of Nations Council, acting on 16th September, 1937, requested Great Britain to carry out a study of the status of Palestine, concentrating on a solution involving partition.

In Palestine the brief period of peace which followed the publication of the Peel Report was succeeded by renewed Arab disturbances, culminating in the assassination of the Acting District Commissioner for Galilee. This new campaign of violence resulted in a more vigorous governmental policy. On 30th September, 1937, regulations were issued allowing the Government to detain political deportees in any part of the British Empire, and authorising the High Commissioner to outlaw associations whose objectives he regarded

as contrary to public policy. Haj Amin el-Husseini was removed from the leadership of the Supreme Moslem Council and the General Waqf Committee ; the local National Committees and the Arab Higher Committee were disbanded ; five Arab leaders were deported to the Seychelles ; and in fear of arrest Jamal el-Husseini fled to Syria and Haj Amin el-Husseini to Lebanon. In November, 1937, military courts were established for the trial of offences connected with the carrying and discharge of firearms, sabotage and intimidation. Despite this, however, the Arab campaign of murder and sabotage continued and Arab gangs in the hills took on the appearance of organised guerilla fighters.

In July, 1938, when the Palestine Government seemed to have largely lost control of the situation, the garrison was strengthened from Egypt, and in September it was further reinforced from England. The police were placed under the operational control of the army commander, and military officials superseded the civil authorities in the enforcement of order. In October the Old City of Jerusalem, which had become a rebel stronghold, was re-occupied by the troops. By the end of the year, a semblance of order had been restored in the towns, but terrorism continued in rural areas until the outbreak of the second world war.

The Woodhead Commission

Preparations for the appointment of the technical commission to examine the details of a partition scheme moved slowly. On 4th January, 1938, the terms of reference were published. They required the commission to recommend for the proposed Arab and Jewish areas boundaries that would afford a prospect of the eventual establishment of independent States and necessitate the inclusion of the smallest number of Arabs in the Jewish area and of Jews in the Arab area. The British Government stated that, if a scheme of partition which it regarded as equitable and practicable emerged from the work of the commission, it would be referred to the Council of the League of Nations for consideration.

The Woodhead Commission arrived in Palestine late in April and remained until early August. In November its report was published and revealed that no plan of partition could be evolved within the terms of reference which would, in the view of the members of the Commission, offer much hope of success. The Peel plan was rejected and two possible alternatives were considered. Plan B would have reduced the size of the Jewish State by the addition of Galilee to the permanently mandated area and of the southern part of the region south of Jaffa to the Arab State. Plan C would have limited the Jewish State to the coastal region between Zikhron Yaaqov and Rehovoth, while northern Palestine, including the plains of Esdraelon and Jezreel, and all the semi-arid region of southern Palestine would have been placed under separate Mandate. Two members of the Commission favoured Plan C, one favoured Plan B, and one declared that no practical scheme of partition could be devised.

The 1939 White Paper

The British Government accompanied the publication of the Woodhead Report by a statement of policy rejecting partition as impracticable in the light of the Commission's investigations, but suggesting that Arab-Jewish agreement might still be possible. An invitation was therefore extended to representatives of the Palestine Arabs, the neighbouring Arab States and the Jewish Agency to confer with the British Government in London regarding future policy in Palestine. It was stated, however, that if agreement could not be reached the Government would announce a policy of its own. The Arab delegates

refused to meet with the representatives of the Jews. Conferences between the Government and the Jews on the one hand and the Government and the Arabs on the other, were, however, conducted between 7th February and 17th March. The Government submitted to both sides proposals substantially the same as those contained in the White Paper issued after the failure of the conference, but did not succeed in getting agreement from either.

On 17th May, 1939, the British Government published a new statement of policy. The 1939 White Paper announced that the obligation to foster the creation of the National Home had been fulfilled, and that Palestine with its existing population was to be prepared for self-government. The Government, stated the White Paper, regarded it as contrary to their obligations to the Arabs that the Arab population should be made subjects of a Jewish State against their will, and had as their objective to foster the creation of an independent State in which Jews and Arabs could share authority.

In development of these ideas, the White Paper announced a plan for constitutional progress which, it was hoped, would permit the creation of such a State within ten years. During the first five years, Palestinians would replace British officials at the head of all Departments of Government; if public opinion was favourable, a legislative body would be created. At the end of this period an elected assembly would be convened to make recommendations concerning the constitution of the new State. If at the end of ten years circumstances required a postponement of independence, the British Government would consult with the people of Palestine, the Council of the League of Nations and the neighbouring Arab States. The White Paper also announced that Jewish immigration could no longer be fostered in the face of continued Arab opposition, but declared that, in view of the fact that the economic life of Palestine was adjusted to the reception of large numbers of immigrants, and out of consideration for the plight of Jewish refugees from areas of persecution, the Government planned to admit to Palestine 75,000 persons during the succeeding five years, subject to the criterion of economic absorptive capacity. Finally, the Paper authorised the Government to place restrictions upon the purchase of land by Jews.

The Jews unanimously condemned the 1939 White Paper as a violation of the Mandate, which would place the Jews in a permanent minority status in a hostile Arab State. Jewish violence broke out in Palestine, and Jewish organisations throughout the world issued the most vigorous protests. The Arab leaders, too, rejected the White Paper at first on the ground that it denied them immediate independence. Soon, however, the Nashashibi faction agreed to co-operate with the Government in giving effect to its terms, and as time passed the majority of Arabs came to accept it as fulfilling, if properly implemented, their main demands.

Despite the hostile reception given the White Paper, and in face of vigorous attacks upon it in Parliament, the British Government succeeded in securing Parliamentary approval of their policy and presented it for consideration by the Permanent Mandates Commission. The Commission unanimously held that the White Paper was in conflict with the interpretation which the Mandatory Government, with the concurrence of the organs of the League, had put upon the Mandate in the past. Four of the members felt that the policy was not in harmony with the terms of the Mandate, while the other three held that existing circumstances would justify the policy provided the Council of the League of Nations did not oppose it. The Government thereupon prepared to lay its plans before the Council in September, 1939, but the outbreak of the second world war resulted in the suspension of League of Nations activities and no final decision on Palestine policy was reached.

In Palestine, war-time conditions and Jewish and Arab rejection of its terms made it impossible fully to implement the White Paper. The constitutional changes suggested were never put into effect; instead, the Palestine Government continued to operate upon the Crown Colony pattern. Palestinians were not promoted to head Departments of the Administration, in which the responsible officials like the members of the Executive and Advisory Councils remained wholly British, as did those on the district level. Even in local affairs, the advance of self-government has been extremely slow. There are provided for in Palestine to-day 24 elected municipal councils, 38 elected local councils and 24 more or less popularly chosen village councils, but the powers entrusted to these bodies are in most cases slight, and the most recent municipal elections took place in 1934. Demands for a greater voice in government come from both the Arab and the Jewish communities.

Unlike the constitutional provisions, the land transfer policy of the White Paper was speedily implemented. Land Transfers Regulations, published on 28th February, 1940, divided Palestine into three zones. In Zone A, consisting of about 63 per cent. of the country including the stony hills, land transfers save to a Palestinian Arab were in general forbidden. In Zone B, consisting of about 32 per cent. of the country, transfers from a Palestinian Arab save to another Palestinian Arab were severely restricted at the discretion of the High Commissioner. In the remainder of Palestine, consisting of about five per cent. of the country—which, however, includes the most fertile areas—land sales remained unrestricted.

This legislation has been bitterly denounced by the Jews on the ground that it violates the Mandate both by ignoring the provisions for fostering close settlement on the land, and by establishing a form of "racial" discrimination. The Arabs have, on political grounds, generally favoured the regulations, and indeed have demanded a more rigid enforcement despite the fact that they have the economic effect of preventing the flow of Jewish capital into Arab hands for use in agricultural or industrial development.

The immigration provisions of the White Paper were also in general put into effect. Powers were given the High Commissioner to set a limit upon the total immigration into Palestine and quotas were established on a basis which it was expected would permit the entry by 1944 of the 75,000 persons eligible as immigrants under the White Paper. Further, immigration beyond 1944 was to be dependent upon Arab agreement.

Illegal Immigration

Many Jews, fleeing from anti-Semitism in Central and Eastern Europe, and finding the gates of Palestine closed, sought entry into the Holy Land by surreptitious means. Illegal immigration grew to unprecedented proportions. To meet this threat the Palestine Government continued its standing procedure of reducing the immigration quotas by the number of illegal entrants either apprehended or estimated to have entered the country. This, however, appeared a scarcely adequate method of coping with the problem, and in 1940, drastic efforts were made to halt further unlawful entry. The policy of reducing the immigration quotas was augmented by a threat to deport to some British colony and to intern there for the duration of the war any persons entering Palestine without proper qualifications. The attempt to implement this policy resulted in the Patria disaster. In November, 1940, a vessel loaded with deportees was scuttled in Haifa Harbour by Jewish sympathisers, with loss of life to 252 persons. Some 1,350 illegal immigrants were, nevertheless, sent to Mauritius in December, 1940.

As the war engulfed Europe, the opportunities for movements of people, whether legal immigrants or not, became less, and in the autumn of 1943 it

was found that only some 44,000 of the 75,000 persons provided for in the White Paper had reached Palestine. The British Government, therefore, announced on 10th November that the time limit of the White Paper would not be enforced but that, subject to economic absorptive capacity, an additional 31,000 Jews would be permitted to enter Palestine. Restricted legal immigration, therefore, continued on this basis until the end of 1945. Since then immigration has been maintained at the rate of 1,500 persons a month, pending the report of the Anglo-American Committee of Inquiry.

With the end of the war in Europe a revival of illegal immigration occurred as the displaced Jews of Europe sought refuge in the National Home. Even as the Committee was preparing to leave the Middle East, two boat-loads of illegal immigrants were apprehended off the coast of Palestine. Attempts of the authorities to apprehend illegal immigrants have met the most determined resistance both from individual Jews and from secret Jewish organisations.

Jewish War Effort

With the outbreak of the second world war, the Jewish Agency and the Jewish community in Palestine offered their support to the war effort, and agreed to lay aside their differences with the Mandatory. Even the Zionist extremists, the Revisionists, gave up for a time the campaign of violence with which they had greeted the 1939 White Paper. The Jewish Agency offered its services in the recruitment of men for recognised Jewish units to serve in Palestine, and, when this offer was rejected, the Agency proceeded to organise the recruiting of Jews in response to the calls of the Army, Air Force and Navy, while at the same time maintaining its campaign to secure approval for the creation of a specifically Jewish military force, a campaign which was finally crowned with success in September, 1944, when a Jewish Brigade Group was established. According to official figures, Jewish recruitment in Palestine for all types of military service, both combatant and non-combatant, between 1939 and 1945 reached a total of 27,028.

The Arabs and the War

The Arab community in Palestine, though showing few signs of actual disaffection and offering slight response to Axis propaganda, showed itself largely indifferent to the outcome of the war. Out of a population twice as large as the Jewish only 12,445 persons were recruited for military service, a figure less than half the Jewish total. The flight of the Mufti, Haj Amin el-Husseini, to Italy and Germany, and his active support of the Axis, did not lose for him his following, and he is probably the most popular Arab leader in Palestine to-day.

Conflict between the Administration and the Jews—the Illegal Army

As the war proceeded, and the partial implementation of the White Paper policy progressed, Jewish resistance became more active. The diametric opposition between the objectives of the Zionists as expressed in the Biltmore Programme, and the policy of the Mandatory Administration under the White Paper, led to constantly increasing friction between the Jewish organisations in Palestine and the Government, and encouraged on the part of Jewish youth and extremists an ever more frequent resort to violence as a means both of protest and of sabotage. Military preparedness for a possible recourse to arms in defence of the Jewish National Home became the concern of an increasing number of persons within the Jewish community.

Haganah, a development from the earlier Jewish defence organisations against Arab terrorism, has grown into a military organisation of over 60,000 persons, fairly well armed and disciplined and controlling its own secret radio

transmitter. Though it has in general exercised a policy of restraint and refrained from acts of terrorism, it was implicated in the Jewish violence at the end of 1945 directed against the Government's efforts to prevent illegal immigration. The Irgun Zvai Leumi, the secret military organisation of the Revisionists, is a smaller, less well-armed, but more radical body which, since 1943, has engaged in an intermittent series of robberies and extortions to produce funds and of bombing attacks upon Government buildings, transport and police installations. The so-called Stern Group, a dissident faction, once a part of the Irgun, is the smallest but the most extreme of the Jewish secret bodies. Refusing co-operation of any sort with the Mandatory, its members engaged throughout the war in a series of outrages culminating in the attempted assassination of the High Commissioner in August, 1944, and in the murder of Lord Moyne in Cairo on 6th November of that year.

Arab Political Developments

In 1943 the Arabs also began to consider the political future. Demands were made for the release of Jamal el-Husseini, who had been interned in Southern Rhodesia following his capture in 1941 while seeking to escape southwards from Teheran in the aftermath of the Rashid Ali revolt in Iraq. Abortive attempts were made to organise a centre for united Arab political expression in Palestine. In the following year, the Arab leaders selected a politically neutral representative, Musa Effendi el-Alami, to attend the conferences in Egypt which led to the formation of the Arab League.

Since the Arab League was composed of independent States, Palestine's position in relation to it was not easy to define. It was settled by means of an annexe to the Arab League Covenant, declaring that "owing to the peculiar circumstances of Palestine and until that country enjoys effective independence, the Council of the League should undertake the selection of an Arab delegate from Palestine to participate in its work." In December, 1945, the States members of the League undertook to boycott the products of Jewish industry in Palestine. Another result of the formation of the League was the establishment of Arab Offices in Washington, London and Jerusalem to serve as centres for the dissemination of information concerning Arab interests and objectives.

Finally, in November, 1945, a new Arab Higher Committee, representing all the Arab parties of Palestine, was formed, in which, after his release from Rhodesia and return to Palestine early in 1946, Jamal el-Husseini became the leader. A re-organisation of this body under Jamal el-Husseini's guidance gave rise in late March, 1946, to charges of high-handed and dictatorial methods from some of the non-Husseini factions. Despite internal friction, however, the Arab leaders in Palestine are united behind a programme demanding the fulfilment of the White Paper policy and the speedy granting of independence to an Arab-dominated Palestine.

Arabs as well as Jews possess arms, and signs have not been entirely lacking of a revival of Arab secret activities, similar to those which preceded the disturbances of 1936-1939.

In the face of actual violence and threats of much more serious violence, possibly approaching the status of civil war, the Palestine Government resorted to drastic emergency legislation which permitted it to modify or suspend normal civil liberties. There can be no gainsaying that Palestine to-day is governed without the consent of Jews or Arabs by an Administration depending almost solely upon force for the maintenance of a precarious authority.