

UNITED NATIONS PALESTINE COMMISSION

Considerations Affecting Certain of the Provisions of
the General Assembly Resolution on the "Future Government
of Palestine": Control of Land Regulations

(Working Paper Prepared by the Secretariat)

1. The plan adopted by the Assembly contains the following provision respecting the land regulations (Paragraph B-5 of Part I):

"Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulations".

2. This section refers to the Land Transfers Regulations, passed in February 1940 to give effect to the British policy established by the so-called White Paper of May 1939.

According to the Land Transfers Regulations, as quoted from "A Survey of Palestine", Vol. I, page 261, Palestine was divided into three zones as follows:

"Zone 'A', in which the transfer of land save to a Palestinian Arab is prohibited, except in case of a transfer made in execution of a judgment or order in satisfaction of a mortgage executed and registered before the 18th May, 1939, or delivered or made before the 28th February, 1940, or, with the High Commissioner's permission, for the purpose of

/consolidating

consolidating holdings or of effecting the parcellation of masha'a or in cases where the land already belongs to a person who is not a Palestinian Arab and in certain other circumstances.

"Zone 'B', in which the transfer of land by a Palestinian Arab save to a Palestinian Arab is prohibited, except in the case of a transfer made in execution of a judgment or order in satisfaction of a mortgage executed and registered before the 18th May, 1939, or delivered or made before the 28th February, 1940, or with the specific approval of the High Commissioner which the High Commissioner may in his unfettered discretion grant or refuse.

"'Free' Zone, in which no restriction is imposed.

"The areas of the three zones are approximately as follows:

Zone 'A':	16,630	square kilometres
Zone 'B':	3,348	" "
'Free' Zone:	<u>1,292</u>	" "
Total	26,320	

"Broadly, zone 'A' includes the hill country as a whole, together with certain areas in the Jaffa sub-District and in the Gaza District including the northern part of Beersheba sub-District; it is in this zone that transfers to persons other than Palestinian Arabs is prohibited, save in exceptional circumstances for which provision is made under the Regulations. Zone 'B' includes the plains of Esdraelon and Jezreel; eastern Galilee; a stretch of the coastal plain south of Haifa; an area in the north-east of the Gaza District; and the southern part of the Beersheba sub-District. Transfers in zone 'B' are permitted subject to certain conditions announced when the Regulations were promulgated. These were that transfers by a Palestinian Arab to

/"a person

"a person other than a Palestinian Arab would not ordinarily be granted unless the transfer could be shown to be either:

- (i) for the purpose of consolidating, extending, or facilitating the irrigation of, holdings already in the possession of the transferee or of his community, the land to be transferred being contiguous to such holdings; or
- (ii) for the purpose of enabling land held in undivided shares by the transferor and the transferee to be parcellated; or
- (iii) the furtherance of some special scheme of development in the joint interests of both Arabs and Jews to which Government may have signified its approval.

"The 'free' zone includes the Haifa Bay area; the greater part of the coastal plain; an area south of Jaffa, the Jerusalem town planning area, and all municipal areas."

3. According to the Assembly resolution the Provisional Councils of Government will have authority in these matters and it is to be expected that the Provisional Council of Government in the Jewish State will propose the immediate abolition of these regulations. As the Provisional Councils are acting "under the Commission", the Commission should be aware of the possible effects of such a measure, the implementation of which will require skillful handling during the transitional period so as not to provoke unnecessary resentment in the Arab population.

4. In this connection it may be worth mentioning that the "Jewish National Fund" (Keren Kayemeth Leisrael Ltd.), the land holdings of which amount to more than 600,000 metric dunums throughout Palestine, is prohibited by its statutes from selling any land, as all property is to be held in trust for the Jewish people.

5. It may also be mentioned that a special provision regarding expropriation of land shall be included in the Declaration to be made to the

United Nations by the Provisional Government of each proposed state (Part I, section B, chapter 2, paragraph 8). This provision, as adopted by the Assembly, reads as follows:

"No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State) shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession."