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The Future of Arab Palestine and the
Question of Plebiscite

(Working paper prepared by the Secretariat)

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1. In all deliberations over partition as a solution to the Palestine question, the future status of the Arab section of a divided Palestine has always been an important factor in the final decision. This report is a background study of the proposals made for the disposition of the Arab area of Palestine. It begins with the first recommendation for the partition of Palestine while still under the Mandate in 1937 and carries into the period of the work of the Conciliation Commission in the first half of 1949.

2. From 1922, when the British Mandate took effect in Palestine, a struggle between Jewish and Arab national interests began, each group fighting for a unitary state under its own political control. During this Mandatory period, along with many other official suggestions for a solution to the Palestine struggle, the first proposal for the partition of Palestine was made in 1937 by the Peel Commission (Palestine Royal Commission of 1937). The Peel Commission, composed of six members, was appointed in August 1936 to ascertain the causes of disturbances in Palestine and to make recommendations for the removal of grievances. Their plan for the future of Palestine was:

"The Mandate for Palestine should be terminated and replaced by a treaty system wherein the Mandatory would enter into Treaties of Alliance with Transjordan and the Arabs of Palestine on the one hand for an independent sovereign Arab State consisting of Transjordan and part of Palestine*, and with the Zionist Organization on the other hand for an independent sovereign Jewish State consisting of a part of Palestine."

* The underlining here and in the following statements and quotations has been made by the Secretariat.

This plan was rejected by both Jews and Arabs. The Arabs claimed it was a denial of their national rights and would oppose any solution but complete independence in all of Palestine. The Jews claimed it was a rejection of their right to a National Jewish Home as promised by the Mandate.

3. In spite of the rejection of the Peel partition plan by both Jews and Arabs, the British Government sent the Woodhead Commission in 1938, composed of four members, to determine the possibility of partition and to recommend boundaries which would permit the establishment of self-supporting Jewish and Arab States, and would include as few Jews as possible in the Arab State and as few Arabs as possible in the Jewish State. The Woodhead Commission concluded that no practical plan of partition was possible because of the refusal of acceptance of this plan by both Jews and Arabs. With the conclusion of impracticability of partition, the Woodhead Commission did, however, submit three boundary plans. Reactions to these plans were the same as previously; both Jews and Arabs rejected completely the idea of partition. In a statement of policy in November 1938, the United Kingdom accepted the conclusion of the Woodhead Commission that politically, administratively, and financially, partition would be impossible.

4. The next proposal for the solution of the Palestine problem in which it is possible to follow the plans for the future of an Arab Palestine was the Partition Plan adopted by the General Assembly of the United Nations on 29 November 1947. Under this plan Palestine was to be divided into three parts: an independent Arab State, an independent Jewish State, and the international City of Jerusalem. The independent State would be linked together by an Economic Union. A Commission of five Member States was established in order to carry out the provisions of the Partition Plan. Among the preparatory steps to independence for both States, the plan provided that "the Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government". These Provisional Councils of Government, in cooperation with the United Nations Commission, were to assume full administrative control of their areas. Not later than two months after withdrawal of the armed forces of the Mandatory, the Provisional Councils were to hold elections to a Constituent Assembly. The Constituent Assembly of each States was then to

draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council appointed by the Commission.

5. In accepting the Partition Plan, the Jews accepted indirectly the status of a future independent Arab State of Palestine to be its partner in an economic union. Commenting on the Partition Plan, Dr. Abba Hillel Silver, member of the Jewish Agency executive, in October 1947 expressed the following opinion on the future relations of the Jewish and Arab Palestine:

"With the removal of political friction which we hope will eventually result from the setting up of these two independent States, each people master in its own home, it should be possible to usher in an era of progress and regeneration which would be a boon to all the peoples in that important part of the world. . . . The Jewish State, when it is established, will respect the sovereignty of its neighbour states as fully as it will defend its own."*

The Arabs rejected the United Nations Partition Plan so that any comment of theirs did not specifically concern the status of the Arab section of Palestine under partition but rather rejected the scheme in its entirety.

6. The Partition Plan with Economic Union was not realized in the days following the 29 November resolution as envisaged by the General Assembly. On May 15, 1948, the day on which Israel declared its independence, the General Assembly appointed a Mediator, giving him terms of reference to use his good offices to promote a peaceful adjustment of the future situation in Palestine. With this aim in view, the Mediator, on 27 June 1948, sent a letter to both Arabs and Jews with the following suggestions as to the future of Palestine:

"That, subject to the willingness of the directly interested parties to consider such an arrangement, Palestine, as defined in the original Mandate entrusted to the United Kingdom in 1922, that is, including Transjordan, might form a Union comprising two members, one Arab and one Jewish.

"That the purposes and functions of the Union should be to promote common economic interests, to operate and maintain common services, including customs and excise, to undertake development projects, and to coordinate foreign policy and measures for common defense."

* Article in "Palestine and the Middle East", Tel Aviv, Sept-Oct. 1947.

7. In answer to the Mediator's letter, the Secretary-General of the League of Arab States, in a letter dated 3 July 1948, rejected the recommendations of the Mediator and submitted the counter proposal of a unitary Arab State. In rejecting the idea, the Political Committee of the League of Arab States completely opposed the idea of considering Arab Palestine as a possible future member of a union with Transjordan. To support the views of the Political Committee of the Arab League, a declaration of the Transjordanian Prime Minister was quoted:

"The problem now at issue is the problem of Palestine and of finding a solution thereto. The Hashemite Kingdom of Transjordan should never be implicated in that problem, nor should Transjordan be forced into a union with a Jewish State. Our position is clear, and has been proclaimed on every occasion. It is never to allow the creation of a Jewish State in Palestine and to exclude partition. And our object is to cooperate with the other Arab States in her deliverance. Once this aim is attained, the determination of her future status is the right and concern of her own people. Theirs alone is the last word. We have no other object or aim in view."

The letter of the League of Arab States was commented on by the Mediator in the following terms:

"My reference to Transjordan was a purely optional one and it was made very specific that this suggestion was 'subject to the willingness of the directly interested parties to consider such an arrangement'. That included primarily Transjordan and if the Hashemite King of Transjordan is unwilling to consider the arrangement, the suggestion is clearly impractical."

8. The Israeli Government also rejected the Mediator's proposals. In a letter dated 5 July 1948 from the Minister for Foreign Affairs of the Provisional Government of Israel, among other reasons for rejecting the proposals, arguments were put forward against the change of status of the future Arab Government of Palestine. The letter stated:

"The Provisional Government desires to point out that the territorial settlement laid down in the resolution (29 November 1947) was based on the partition of Western Palestine between the Jewish people and the Arab population of Palestine. The inclusion of the Arab portion of Palestine in the territory of one of the neighbouring Arab States would fundamentally change the context of the boundary problem.

"The Provisional Government cannot agree to any encroachment upon or limitation of the free sovereignty of the people of Israel in its independent State. While it is the basic aim and policy of Israel to establish relations of peace and amity with her neighbours on the basis of closest possible collaboration in all fields, the international arrangements which may be necessary to give effect to this policy cannot be imposed upon Israel, but can only be entered into as a result of an agreement negotiated between the interested parties as free and sovereign States.

"The Provisional Government would be ready to accept the provisions of the Economic Union as formulated in the Assembly resolution (29 November 1947), if all their basic premises were to materialize. This is not, however, the eventuality envisaged in the Suggestions. The partner State whom Israel is invited to join in a Union is, both in its political identification and its geographical dimensions, wholly different from the Arab State provided for in the resolution. Jewish consent to the Economic Union in the context of the resolution cannot therefore be binding in the new situation. It must now be left to the free and unfettered discretion of the Government of Israel, in the exercise of its sovereign rights, to determine what arrangements should govern Israel's relations with her neighbour or neighbours in the field of economic cooperation."

In answer to this letter, the Mediator replied on 6 July 1948 as follows:

"With reference to paragraph 3 of your letter, it need only be said that it was made abundantly clear in my Suggestions that all of the arrangements proposed could have practical meaning only in the sense of voluntary agreement on the part of the parties concerned. It was specifically emphasized in paragraph 8 of my introductory statement that there could be no question of imposition."

9. On 18 September the Progress Report of the Mediator was submitted to the General Assembly. In evaluating the situation of the proposed Arab State, the Mediator stated:

"As regards the parts of Palestine under Arab control, no central authority exists and no independent Arab State has been organized or attempted. This situation may be explained in part by Arab unwillingness to undertake any step which would suggest even tacit acceptance of partition, and by their insistence on a unitary State in Palestine. The Partition Plan presumed that effective organs of state government could be more or less immediately set up in the Arab part of Palestine. This does not seem possible today in view of the lack of organized authority springing from Arab Palestine itself, and the administrative disintegration following the termination of the Mandate. . . . There now exists in Palestine a form of partition, though an Arab State for which the Partition Plan provided has not materialized and there is no economic union. The problem of the future of the Arab part of Palestine and its economic viability is therefore thrust into the foreground."

10. At the end of Part I of the report, dealing with the Mediation effort, the Mediator formulated seven basic premises and a number of specific conclusions. Among the specific conclusions number 4(c) concerning the future of the Arab State reads as follows:

"The disposition of the territory of Palestine not included within the boundaries of the Jewish State should be left to the Government of the Arab States in full consultation with the Arab inhabitants of Palestine, with the recommendation, however, that in view of the historical connection and common interests of Transjordan and Palestine, there would be compelling reasons for merging the Arab territory of Palestine with the territory of Transjordan, subject to such frontier rectifications regarding other Arab States as may be found practicable and desirable."

11. Another of the specific conclusions recommended the appointment of a Conciliation Commission. Following this recommendation, the General Assembly adopted the resolution of 11 December 1948, whereby the Conciliation Commission was constituted. This resolution evolved from an original draft resolution submitted by the United Kingdom. Although the original United Kingdom draft resolution was revised twice before its presentation for vote, the paragraph regarding the future of Arab Palestine remained unchanged and reads as follows:

"The GENERAL ASSEMBLY

"ENDORSES the recommendation contained in paragraph 4 (c) of the Mediator's conclusions concerning the disposition of the territory of Palestine not included within the boundaries within the Jewish State or the City of Jerusalem, and INSTRUCTS the Conciliation Commission, in full consultation with the inhabitants of Arab Palestine, to assist the Governments of the Arab States concerned to arrange for the disposition of this territory in accordance with the aforesaid recommendation."

The United States delegation, while calling for a number of other changes in the United Kingdom original draft resolution, was in favour of this paragraph concerning the future of Arab Palestine. On 23 November, the representative of the United States, in the discussion before the Political Committee, expressly announced that the United States was in favour of the paragraph in the British resolution relative to the disposition of the Palestinian territory not included in the Jewish State or City of Jerusalem. A draft resolution submitted by the representative of Colombia, though differing with the United

Kingdom's resolution in many ways, also contained the same paragraph in reference to the future of Arab Palestine.

There was, however, a number of different resolutions and amendments which contained other provisions for Arab Palestine. An amendment submitted by the representative of Guatemala, but withdrawn at a later stage, contained solely the principle of consultation:

"The Commission shall assist the inhabitants of the Arab territory of Palestine in deciding upon the political organization they wish to give to the said territory. No annexation to a neighbouring State shall be decreed without the consent of the people, freely and legally expressed."

12. In the final voting, it was the twice-revised United Kingdom draft resolution which remained the nucleus of the resolution to be passed. On 4 December 1948, the paragraph concerning the future of Arab Palestine as proposed in the original draft resolution came up for vote. In the discussion that immediately preceded the vote, the Soviet delegate declared himself against the paragraph on the grounds that it violated the partition resolution of 29 November 1947. The Soviet delegate added that the paragraph had political aims tending to enlarge the State of Transjordan at the expense of both the Arab population of Arab Palestine and the Jews of Palestine. In answer to the argument of the Soviet delegate, the United Kingdom delegate observed that the resolution did not expressly recommend an attachment of the Arab zone to the territory of Transjordan. There were, however, good reasons for such an attachment, "with some border rectifications desirable to other Arab States. Joining the discussion, the Polish delegate gave two objections to the United Kingdom proposal. His first reason was that the question would be left, above all, to the discretion of the Governments of the neighbouring Arab States. Although the Mediator's report called for a consultation of the Arab inhabitants of Palestine, it would be to ignore realities to believe that a consultation could take place freely and in a sincere manner while the armies of the neighbouring states were occupying the country. Secondly, the Polish delegation did not recognize the right of the Assembly to recommend that this territory be annexed to another state. It should be up to the Arab population, and that population alone, to determine the fate of her territory. Before any decision should be taken, all non-Palestinian troops should be pulled out and an independent

government should be established. With this done, the Arabs of Palestine could take, in complete independence, a decision as to their future political status.

13. With the discussion ended, the vote on the paragraph concerning the future of Arab Palestine in the United Kingdom's resolution was called. The paragraph was then defeated by a vote of 26 against, 18 for, with 12 abstentions.* The final resolution presented to and passed by the General Assembly on 11 December 1948 therefore contained no specific mention of the disposition of Arab Palestine.

14. To follow the recent Israeli thinking on the future of Arab Palestine, several official declarations are worth noting: During the session of the Zionist General Council in Jerusalem and Tel Aviv between 22 August and 3 September 1948, Israeli Foreign Minister Moshe Sharett made the following statement on the position of Arab Palestine:

* General Assembly, First Committee, A/CI/SR.224, 4 December 1948 (p. 12)

Voted against: Poland, Saudi Arabia, Syria, Turkey, Ukraine, USSR, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Australia, Burma, Byelo Russia, Costa Rica, Cuba, Czechoslovakia, Egypt, Salvador, Ethiopia, Guatemala, India, Iran, Irak, Lebanon, Pakistan.

Voted for: Belgium, Brazil, Canada, China, Columbia, Denmark, Dominican Republic, France, Iceland, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Sweden, Union of South Africa, United Kingdom, United States.

Abstained: Bolivia, Chile, Ecuador, Greece, Haiti, Honduras, Liberia, Mexico, Panama, Paraguay, Peru, Siam.

"We are faced with the problem of what is going to happen to the rest of Eretz Israel. That part has no definite borders yet. Even if we suppose that no revolutionary changes occur, which is not impossible, a certain part of Palestine will stay outside the State of Israel. The political fate of the Arab part of Palestine, its annexation by any state whatsoever, the flag that it will fly and the regime it will be subjected to . . . are all matters with which we are directly concerned. It may not be possible for us to stem every new development in that connection. There are contingencies which we shall have to oppose, or they will become a threat to us. We shall have to fight against splitting up the Arab part and annexing its fractions to various countries. We shall have to consider carefully whether the annexation of any part to any state does not constitute a danger for us, which could be avoided by a different solution. We shall have to consider carefully whether we should not prefer this Arab part to form a state of its own, if possible."**

15. On 16 November 1948, appearing before the Political Committee of the General Assembly considering the Mediator's Report, Israeli Foreign Minister Sharett again stated Israel's views on the future of Arab Palestine:

"Concerning all these territorial questions, Israel would welcome the creation of an independent Arab State in Palestine, a State which would be constituted, in the measure possible, conforming to the disposition of the 29 November resolution; the Government of Israel would be ready to negotiate with that State in view of proceeding to mutual rectifications of frontiers, if that State would declare itself ready to conclude a binding alliance with Israel. But if the Mediator's proposal to incorporate the Arab part of Palestine to Transjordan is carried out, the relationship between the area of Israel and that of the Arab neighbour would be 1 to 20, which would change the very principle which dominated the territorial division envisaged in the resolution of 29 November."

16. Just one week later, on 23 November 1948, while testifying before the same Political Committee of the General Assembly, Israel representative Aubrey Eban, while discussing territorial questions, stated that:

". . . . The Government of Israel would prefer the establishment in Palestine of an Arab State with which it would be ready to discuss certain frontier adjustments."

** Zionist News Letter, Information Department of the Jewish Agency, Jerusalem, October 10, 1948.

17. On 15 June 1949, in a foreign affairs debate in Israel's Knesset (Parliament), Foreign Minister Sharett stated Israel's policy on the future of Arab Palestine as follows:

"As for the frontier between the State of Israel and the area west of the Jordan which is not included in Israel, there, too, our aim is peace, and peace negotiations. We have always declared that we should prefer to see a separate Arab State in that area, but we have not set this as a condition sine qua non to a settlement. This question, too, is a matter for discussion."

In the discussion which followed the end of this speech, Sharett declared that Israel had proposed to the Conciliation Commission to organize a plebiscite in Arab Palestine to determine whether these regions should be attached to Transjordan or become an independent Arab State. An independent Arab State would be preferable to Israel but the Israeli Government would accept the verdict of a plebiscite, he stated. In answer to questions from the floor, Sharett pointed out the reasons why Israel would prefer an independent Arab State:

1. That State would offer the best possibility for close relations with Israel.
2. It would allow the most security to Israel.
3. It would eliminate complications resulting from existing ties between "two certain countries".*

* Le Journal de Jérusalem, 23 juin 1949. (p. 1).