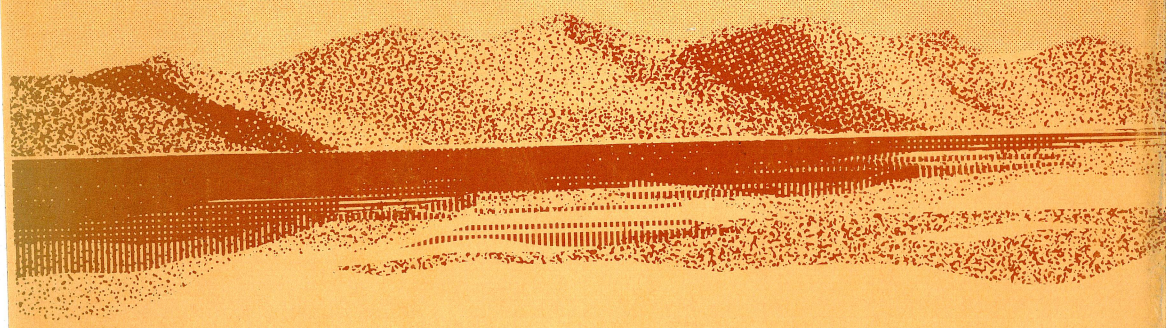
Israel and the Palestine Arabs



by Don Peretz

WITH A FOREWORD BY ROGER BALDWIN
Chairman, International League for the Rights of Man

THE MIDDLE EAST INSTITUTE
WASHINGTON, D. C.

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1958

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PRINTED IN THE UNITED STATES OF AMERICA
BY THE WILLIAM BYRD PRESS, INC., RICHMOND, VIRGINIA

Dedicated to the Memory of

DR. JUDAH L. MAGNES

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Foreword

ROGER BALDWIN
Chairman, THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN

Nobody who is concerned, as I am, with the many challenges to human rights in the activities of the United Nations, where I serve as a consultant, can fail to be deeply disturbed by the long deadlock in settling the Arab refugees from Palestine. Alone of all the millions of refugees in the world, these hundreds of thousands are a direct charge on the United Nations, which for ten desperate years have maintained them in and out of camps along the borders of Israel.

The responsibility of the United Nations is obvious; its partition resolution created Israel and the consequent war created the refugees. No service is rendered by arguing the conflicting contentions of the Israelis that the Arab states induced the refugees to flee or of the Arabs that Israeli terrorism drove them out. They escaped from a war brought on by United Nations action, and the U.N. accepted responsibility for them.

In the bitter controversy which has ensued neither side will yield to permit a solution. In this book, Dr. Peretz takes no sides nor does he offer a solution. He explores the contentions and states the long and tragic record. This is no mere academic study; he has steeped himself in the problem by long personal contacts with refugees, and with Arabs and Israelis alike. Both sides will charge prejudice because both are so presently irreconcilable. Yet Dr. Peretz is as balanced and fair as any man could be.

He raises questions which demand answers if these unhappy people, almost a million strong, are to find homes and useful lives when released from the demoralizing idleness of camps and displaced living on the tiny subsistence rations of seven cents a day from the United Nations Relief and Works Administration. Since over half of them are children under sixteen years of age, it is painfully apparent that we are faced with a human problem of saving young lives to usefulness beyond any challenge presented by refugees elsewhere.

Can the problem be solved without a general peace settlement between Israel and the Arab states, or would a solution of the refugee problem be a pre-requisite to peace? One gathers from Dr. Peretz that the answer is that the refugee problem is central to all others and that progress on it is progress toward peace. That, too, is the view of the U.N. Director of Arab Refugee Relief who has repeatedly maintained that there can be no solution unless the refugees are given the free choice of repatriation to their homes or resettlement elsewhere, with compensation for lost property.

But if they were given the choice, how many would want to return to live under a Jewish State? Or would they and their Arab brethren insist on what appears to be the quite impractical demand to break up Israel into the two Arab and Jewish States outlined in the partition resolution? What does repatriation mean to the refugees—going back to the homes and villages they left, and under a Jewish State? If they realize that the homes and villages are no longer what they left, would they accept life elsewhere in Israel? What alternatives could be offered outside Israel, where, when and with what support to get started in a new life?

And if it could be determined, after the facts are known to the refugees, how many would make the choice of repatriation, how many could Israel take? Even though Israel professes to have room for hundreds of thousands more Jews, would it permit Arabs to occupy lands and homes reserved for Jewish refugees? Would they be loyal citizens of a State bound to be governed by a Jewish majority? Does the present relation of the 200,000 Arab minority in Israel to the Jewish majority hold out hope of assimilating thousands more? Israel has thought so from time to time, even as lately as the Egyptian invasion when it contemplated keeping the Gaza strip and its quarter million Arab refugees

Could Israel be induced to accept the United Nations repeated resolutions to offer the refugees a choice of return or resettlement, even in principle, if its implementation were left to practical possibilities? Could a compromise be affected between the present Israeli insistence on resettlement in Arab lands and the Arab insistence on giving refugees a free choice? Are forces in Israel for Arab-Jewish cooperation strong enough to promise hope for a settlement?

For those who would not want to return is compensation for lost property practicable and on what basis, to individuals or the

refugees as a whole in resettlement projects? From what source would the huge sums required come?

This book furnishes the facts by which readers can figure out the possible answers which Dr. Peretz does not give. I am sure Dr. Peretz has answers in his own mind, but he has refrained from imposing them in this scholarly study, first prepared as a doctoral thesis at Columbia University and then brought down to date.

Dr. Peretz first became interested in the problem of Arab-Jewish relations just after World War II, when he went on his GI Bill of Rights to study at the Hebrew University in Jerusalem. While he was there the partition resolution was passed and the war broke out. He served during that time as correspondent for the National Broadcasting Corporation. Convinced that no solution could last unless based on Arab-Jewish cooperation he was attracted by the leadership to that goal of Dr. Judah Magnes, then president of the Hebrew University. He returned to the United States late in 1948, but when the Quakers set up a team for refugee relief he joined it, serving for a year in northern Israel.

Returning again to the United States, he was so gripped by the problem that he made it his thesis for a doctor's degree at Columbia. To complete it he again visited the Middle East on a Ford Foundation grant, spending a year and half gathering material in both Israel and the Arab states—one of the few American Jews to move freely between them. He received his degree in 1955.

Dr. Peretz has a single bias, which is basic to his whole treatment. It is that peace for Israel and the guarantee of its future in the Middle East, surrounded as it is by Arab states, can be achieved only by Jewish-Arab cooperation, both within Israel and outside. How far we are from such a goal is tragically evident in the sea of passion on both sides.

An understanding of the history, background and attitudes affecting the refugees is essential to any rational solution of a conflict which, despite its many other aspects, centers in the emotions aroused by the plight of these hundreds of thousands of unhappy and desperate people, overwhelmed by a sense of injustice and a nostalgia for the soil on which they and their ancestors for generations lived.

Even if the transformation of Israel has rendered their dream wholly impossible of fulfillment, they have a claim not only on the sympathy of the world but on the statesmanship of the United Nations to find a solution to the problem which partition created.

Preface

The bitter antagonisms between Jews and Arabs engendered by the conflict of Zionism with Arab nationalism seem today to be as deep-rooted as ever. Those who attempt to consider dispassionately the problems created by the conflict may find themselves isolated and regarded with suspicion by both protagonists. At times they may be subject to untoward pressures of both a personal and an official nature. In spite of such pressures, I have endeavored to maintain a dispassionate attitude toward the study which follows. It is my firm conviction that only such an approach will be of value in achieving the end to which this work is hopefully directed, the cause of Arab-Jewish rapprochement.

Because of his important role in efforts toward greater understanding between Jews and Arabs, I would like to dedicate this work to the memory of Dr. Judah L. Magnes, former President of the Hebrew University in Jerusalem. It was through him that I first became interested in these problems and through his own concern that I became especially interested in the Arab refugee dilemma.

This concern led me to Israel to work as a representative of the American Friends Service Committee (Quakers) with the UN Relief for Palestine Refugees in 1949, and to the area as a Ford Foundation grantee to study the Arab refugee problem between 1952 and 1954.

I would like to thank the many individuals who have been of assistance in gathering and assembling this material. In this respect, particularly valuable were the assistance and advice of Professor J. C. Hurewitz of Columbia University.

Parts of this study have appeared as articles in *The Middle East Journal,* Spring 1954, and Autumn 1954, Vol. 8, *Foreign Affairs,* Oct. 1954, Vol. 33, and *Jewish Social Studies,* January 1956, Vol. 18.

Israel and the Palestine Arabs

This survey treats the various United Nations approaches to the refugee problem and the development of Israel's reaction toward them. The survey's purpose is not finally to determine the origin of, or responsibility for, the refugee problem. That is perhaps one of its most sensitive aspects, and one about which adequate documentation of a conclusive nature is not yet available. As in most similar instances of history, such sources of documentation have not been released from the confidential archives of the parties concerned, in other than small, propagandistic doses.

To say that the Arab refugee problem was germinated by the conflict between Arab and Jewish nationalisms in Palestine is a truism. There is much published material about the clash and it has been treated at length by many reputable social scientists who have been partisans of the Arab or of the Jewish side, or neutral observers. Some of the works are mentioned in the bibliography. However, a few brief paragraphs are appropriate to trace the origin of the subject matter treated in much greater detail in the main body of the study.

Origins of the Palestine Arab Refugee Problem

The seeds of the Palestine struggle were nurtured by the irreconcilable promises made to the Jews and Arabs by Great Britain in an effort to win support of the two peoples during the First World War and at the peace conference immediately following it. The psychological appeal of the promises was, on the one hand, to the age-old identification of the Jews with Palestine as a land from which they had been exiled and to which they aspired to "return." The longing was intensified by the exclusion of Jews from the main stream of culture in Eastern Europe—the birthplace of Zionism—where most Jews resided. It was given validity in Zionist minds by the physical identification of Palestine with many Jewish customs, traditions, and religious practices.

Arab attachment to the country, on the other hand, was less a religious-mystic than an ethnic-national identification. The vast majority of the inhabitants of the land were Arabs who, after many centuries of somnolence and repression, were awakening to the call of national revival. This call was sounded on a liberal note by Woodrow Wilson in his "Fourteen Points" and elicited response throughout the East after the First World War. Although by 1921 the greatest emphasis of Palestinian Arab nationalism was based on fealty to Syria, by the late 1930's a distinct local Arab loyalty

had developed. It was chiefly rooted, however, in the various clan groupings within the country.

Arabs, by the logic of numbers, were in a position to resist compromise. This resistance, plus a penchant toward extremism, swung their national leaders to a complete rejection of the Zionist idea. The Jews, however, were in the precarious position of a national minority, and were therefore obliged to be more moderate in their demands. But as they grew in numbers and strength, their demands concerning the future of Palestine became less and less compromising. The situation was exacerbated by increasing persecution of the Jews in Europe which made the need for some *modus vivendi* to facilitate refugee immigration to Palestine extremely urgent. Arab reaction was to reject completely a mass Jewish influx and to accept nothing less than an Arab state. Zionist impatience with Arab nationalism and horror of Nazi persecution culminated in the 1942 Biltmore Program of world Zionism which demanded that the country be developed into a Jewish Commonwealth.

During the Second World War the situation was generally quiescent, but pent-up emotions on both sides flared into violence and bloodshed on an insurrectionist scale soon after the Allied victory. Great Britain, the mandatory power, forced to reduce its global commitments by its precarious post-war economic situation, presented the problem to the United Nations.

The United Nations General Assembly, on November 29, 1947, recommended the division of Palestine into three parts: an Arab state, a Jewish state and an international enclave of Jerusalem. The recommendation was hailed with almost unanimous enthusiasm by the Jewish community, which proceeded with preparations to put it into effect. The Arabs of Palestine and the neighboring countries were determined to resist any attempt to establish a Jewish state within the Arab East. While Zionists cooperated with the United Nations partition plan, the Arabs organized forceful resistance to it. British mandatory officials adopted a non-involvement policy aimed at speedy evacuation from the country with as little cost and as little loss of life and face as possible.

There was no power prepared to enforce peace in this atmosphere of tense, armed hostility and turbulent outbursts were inevitable. As they grew in number and intensity, respect for law and order degenerated. Within the six months period from the United Nations partition resolution of November 29, 1947, to the

official end of the mandate and proclamation of the State of Israel on May 14-15, 1948, the "disturbances" grew into open warfare between the Jewish community and the Arabs of Palestine and the surrounding countries. Atrocities, instilling deep fears and antagonisms, were committed by both sides as a concomitant of the warfare. It was from this situation that the mass exodus of Palestinian Arabs developed.

The flight began on a small scale during the early phases of hostilities when an estimated 30,000 Arabs, mostly of the well-to-do classes, left for neighoring countries. By February, 1948, as the conflict worsened, Arab flight grew to great proportions. The Dayr Yasin massacre in the early spring gave even greater momentum to the exodus. On April 9, dissident Jewish terrorists wiped out the Arab inhabitants of this village near Jerusalem, producing a mass fear psychosis which grasped the whole Arab community. An estimated 200,000 had left their homes by mid-May. The last phase of the exodus occurred at the end of 1948, when Haganah forces swept through those predominantly Arab sections of the country which had been allocated to the Arab state in the United Nations partition plan. During this period of flight the great mass of Arabs who are today refugees fled from the country before the onrushing Jewish armies.[2]

Israel's explanation of the Arab flight was politically simple: They were encouraged, or ordered, to leave their homes by the Arab national leaders, to "clear the villages and the adjacent roads for the advance of the Arab armies . . . to bring home to the Arab peoples of the neighboring countries the reality of the war in Palestine and to enlist their support in its prosecution," and finally, "to impress the outside world with the fact that no Arab was prepared to acquiesce in the establishment of Israel and live under its rule."[3] The Arabs, on the other hand, insisted that the refugees were driven from their homes by the terrorism of Israeli military forces.[4]

Although there is some truth in both explanations, it is incidental rather than general and overlooks the deeper social causes of upheaval within the Palestine Arab community.

When the British mandatory government's administrative and military forces evacuated Palestine, they left behind two distinct systems of social organization. The Jewish community had been organized into a quasi-government for many years before the end of the Mandate. It had its own health, educational, social, and military defense services. A well-organized system of political

parties elected national representatives to self-governing bodies, which had many years of experience in administering those aspects of communal organization not run by British officials. Within the Jewish community there was a large body of individuals trained and experienced in European governments, the mandatory offices, and the Jewish national institutions. Long before the end of the Mandate, world Zionist leaders had begun to think in terms of practical organization of a Jewish state. When the British administration evacuated the country, these well-integrated elements became a vital organism. There was even a Jewish postal service issuing its own stamps, in place of the defunct Palestine Post Office. Within the Jewish community there occurred no breakdown of services essential to effect efficient public administration, and it was therefore possible to maintain law and order with comparative ease. This contributed greatly to Jewish morale. It was an essential factor in preventing widespread panic and communal disintegration.

In the Arab community there was no quasi-government and few elected administrators. As a result there was little experience or training in self-rule. There was only a national sentiment, voiced through various Arab political parties which were grouped around personalities or families, rather than based on issues or tangible political and administrative organs. Nearly all functions of government in Arab areas were under the direct control and administration of British mandatory officials. Early in the Palestine fighting, the leaders of national sentiment left the country. When the British administration departed some weeks later, there was no organized Arab body to manage the services of government essential for communal organization. With the breakdown of all functions of government necessary to maintain law, order and well-being—water, electricity, posts, police, education, health, sanitation, and the like—Arab morale collapsed. The community became easy prey to rumor and exaggerated atrocity stories. The psychological preparation for mass flight was complete. The hysteria fed upon the growing number of Jewish military victories. With most Arab leaders then outside the country, British officials no longer in evidence, and the disappearance of the Arab press, there remained no authoritative voice to inspire confidence among the Arab masses and to check their flight. As might be expected in such circumstances, the flight gathered momentum until it carried away nearly the whole of the Palestine Arab community.

Mass flight was not uncommon in the Middle East. The history

of the area is full of similar instances during inter-communal strife. During such times, civilians seldom found protection from murder and robbery. The Armenians and Greeks in Turkey, the Assyrians in Iraq, Christians and Jews in Syria, have often been victims of inter-communal discord, and the usual pattern of reaction has been to flee before armed bands whenever possible. This kind of warfare has always meant brutalities, extermination, or being driven from home, and as the struggle against Israel was, from the Arab point of view, inter-communal, there seemed little motivation for the refugees to remain in their homes.

The United Nations and the Refugee Problem

Count Folke Bernadotte, the United Nations Mediator in Palestine, first officially brought the refugee problem to international attention. He derived authority to intervene on their behalf from the General Assembly resolution establishing his office. It designated, among his duties, "the promotion of the welfare of the inhabitants of Palestine. . . ."[5]

Neither the Mediator nor any of the three principal organs of the United Nations (Security Council, General Assembly, and Trusteeship Council) which were "seized" of the Palestine problem in the spring of 1948 succeeded in resolving the conflict, although active hostilities were brought to a formal end when armistice agreements between Israel and Egypt, Lebanon, Jordan and Syria were signed during 1949. By then the number of Arab refugees had grown to well over three-quarters of a million.

The Mediator first took action on behalf of the refugees in response to an appeal from the Arab League late in July 1948. The League had previously appealed to the International Refugee Organization for aid but, owing to technical difficulties and lack of funds, that organization was unable to assist on a large scale.

On July 21, 1948 the Mediator requested that the Secretary General of the United Nations send a senior officer to survey the problem. The official, Sir Raphael Cilento of Australia, Director of the Division of Social Activities in the United Nations Department of Social Affairs, collaborated with the League of Red Cross Societies and, early in August, reported dangerous health and living conditions among the thousands of refugees in Transjordan.

The Mediator took his only direct political step on behalf of the refugees late in July. He appealed to the Israel Government to permit repatriation of a limited number of Arabs whose homes

had been within the borders of the new state. The appeal was rejected on the ground that return of any substantial number of refugees would violate the truce by allowing the Arabs to gain an advantage.

Blocked from any political action, the Mediator and his successor, Dr. Ralph Bunche, confined their activities, thereafter, to providing relief and making recommendations for machinery to deal with the problem.

In August the Mediator appealed for immediate relief to the United Nations International Childrens Emergency Fund (UNICEF) and to most members of the United Nations. He concluded agreements with Lebanon and Syria to facilitate the import and distribution of supplies. Administrative and advisory help was solicited and received from the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the International Refugee Organization (IRO), the Red Cross organizations of the Middle Eastern countries, and the World Council of Churches. An attempt was made to coordinate all activities at Beirut in an organization, the United Nations Disaster Relief Program, headed by Sir Raphael.

When the Mediator submitted his progress report of September 16, 1948, he had received supplies or promises of supplies from UNICEF and from 33 nations. He also recommended continuation of international aid, permission for the refugees to return to their homes, establishment of a United Nations Conciliation Commission to supervise their repatriation, resettlement, economic and social rehabilitation, and payment of adequate compensation.[6]

A supplementary survey of the refugee situation was completed by Dr. Bunche, then the Acting Mediator, on October 18, 1948. By this time the number of refugees had grown to 472,000, and their needs had been met by the Arab states alone. Aid was received, thereafter, from UNICEF and from some United Nations members to whom the Mediator had appealed earlier.

As the scope of the refugee problem expanded, sub-offices of the United Nations Disaster Relief Program in Beirut were planned in Syria, Transjordan, Northern Palestine and Egypt. The staff available, however, was too small and its activities had to be limited to coordinating the relief program of other organizations and to distributing donations sent to the Mediator.

The Mediator's recommendations were of a technical nature only. They proposed international assistance totaling $29 million for the nine month period from December 1, 1948 through Au-

gust 31, 1949, when it was hoped that the problem would be settled.

Count Bernadotte had requested the Secretary General to include the refugee problem on the agenda of the Third Session of the United Nations GeneralAssembly, and proposed that relief measures be discussed separately from the question of a peaceful settlement.

Bernadotte's recommendations were accepted, and action on humanitarian measures was turned over to the Assembly's Third Committee, while political discussion took place in the First Committee. Both groups proposed resolutions embodying almost verbatim the Mediator's suggestions, which were later passed by the plenary session of the Assembly.

The resolution proposing political action established the United Nations Conciliation Commission for Palestine (CCP), and authorized it to facilitate refugee repatriation, resettlement, economic and social rehabilitation, to set up subsidiary bodies, and to appoint technical experts to assist in furthering its work. As part of an over-all peace settlement, the resolution recommended that the refugees be permitted to return to their homes "at the earliest practicable date."[7]

In a companion resolution the Assembly established the United Nations Relief for Palestine Refugees (UNRPR) to carry out international relief activities in collaboration with WHO, FAO, IRO, UNICEF, and other public and private agencies.

UNRPR came into existence when the Secretary General appointed its first Director, Stanton Griffis, American Ambassador to Egypt, on December 1, 1948. Under his direction, agreements were signed with the International Red Cross (IRC), the League of Red Cross Societies, and the American Friends Service Committee (AFSC), to establish them as independent, autonomous organizations which would take full responsibility for distribution of United Nations supplies in the respective territories assigned to them. Israel, Israel-occupied areas, and Jordan-occupied areas of Palestine were assigned to the IRC. Relief activities in Lebanon, Syria, and Jordan were under the jurisdiction of the League of Red Cross Societies, and those in Egypt-occupied Palestine (the Gaza strip) were administered by the AFSC.

The cooperating agencies lost no time in assembling their field teams and in beginning operations. Initially, rations were distributed to some 600,000 individuals, but the total was gradually raised to 940,000. Transport restrictions, absence of roads and rail-

ways between strategic points, difficulties in communications between headquarters and field units and shortages of transport equipment, added greatly to UNRPR's burden and to the field work of its affiliated agencies.

By April, 1949, it was already evident that in the continued absence of any permanent solution of the refugee problem, relief could not be terminated at the end of August as proposed by the General Assembly. After consultations among UNRPR's Director, the United Nations Secretary General, and the *Ad Hoc* Advisory Committee of UNRPR, it was decided to continue relief operations until the Fourth Session of the General Assembly. The Director met with the three cooperating agencies in Geneva and persuaded them to continue their work beyond the time of their original contracts.

In this early period the CCP made its greatest political effort to settle the Palestine problem. But, from the beginning of its activities, the greatest obstacle to peace seemed to be the refugee problem. In the numerous meetings with representatives of Israel and with the Arab states, the CCP could never establish any rapport between them. It did not succeed in inducing the Arabs to have direct contact with the Israelis. The Commission's efforts to facilitate refugee repatriation, resettlement, and economic and social rehabilitation or payment of adequate compensation were singularly unsuccessful. From the time of its initiation, the Commission, however, set up subsidiary bodies and appointed experts to examine various technical aspects of the problem. Some of their reports were of great academic value. Nevertheless, beyond procuring release of Arab refugee bank accounts frozen in Israel, and the reunion in Israel of a few thousand refugees separated from their families, no definite steps were taken toward a settlement of the refugee problem.

Early in its work the CCP concluded that it would be unable to make progress toward a political solution of the refugee problem, but before abandoning that approach it held a series of conferences with Israel and the Arab states in an attempt to force the issue of repatriation and resettlement. In 1949 it even succeeded in obtaining a promise from Israel, later withdrawn, to permit the return of 100,000 Arabs. The Israel Government also offered to take the more than 200,000 refugees in the Gaza strip, provided that the area became Israel territory. But the Arab states rejected the plan. Early in 1950 the Commission did achieve a minor success when it arranged for the repatriation to Israel of a few

hundred wives and minor children of Arabs resident in Israel.

The basic attitudes of both Israel and the Arab states have changed but slightly since their first contacts with the CCP. The Arabs have consistently and unequivocally insisted that the refugee question must be given priority over all others, and that establishment of the right to repatriation must precede discussion of any other aspects in their dispute with Israel.

Israel's position has been that the refugee question can be solved only as part of an over-all peace settlement. Israeli policy, however, has altered since. The Government, under great international pressure, has agreed, theoretically, to consider the question of compensation outside the framework of and before a general peace settlement. It also has released most Arab refugee funds frozen in Israeli banks. On the other hand, Israel's position has become increasingly inflexible on the question of repatriation, even on a token scale. Today any thought of an Arab return seems to have been cast aside.[8]

Much of the survey work of the CCP was undertaken by its Technical Committee on Refugees, established in June, 1949. Although no positive action resulted from its studies, they were a valuable contribution to the work of its successor, the Economic Survey Mission for the Middle East, known as the Clapp Mission, after its chief, Gordon R. Clapp, then Chairman of the Board of the Tennessee Valley Authority. The new body examined the economic situation in those countries of the Middle East affected by the Palestine war, and made recommendations for an over-all plan enabling the governments concerned to undertake development programs which would overcome dislocations created by the war; integrate the refugees into the economic life of the area on a self-sustaining basis within a minimum period of time and promote economic conditions conducive to the maintenance of peace and stability in the area.

Establishment of the Survey Mission was intended to break the Palestine deadlock through a by-passing of its political aspects. It was hoped that, if economic problems were resolved, political tensions might ease. For this reason the Mission avoided recommendations of a political nature and issued only technical proposals on refugee relief and the establishment of four small "pilot" development projects.

The Mission recommended reduction of the Arab refugee relief rolls from 940,000 to 652,000 by January, 1950 and suggested that relief gradually be replaced by a series of works projects which

would gainfully employ the refugees. Clapp's report also proposed organization of an integrated operation containing a program for public works calculated to improve the productivity of the area, and the continuation of relief as needed. It was to be worked out in cooperation with the governments of the countries where the refugees were located. It was estimated that a total of $54.9 million would be required covering relief and works projects for the eighteen-month period within which the Mission believed it possible to solve the refugee problem.

The Fourth General Assembly accepted the recommendations of the Clapp Mission and established the United Nations Relief and Works Agency to bring both the political and the practical aspects of the refugee problem into a single focus through economic means. An end of direct relief was envisaged after the works program of UNRWA replaced the enterprises of UNRPR and its cooperating organizations.

The private agencies and UNRPR ended their activities in the spring of 1950, after turning over their assets to the new agency. However, by December 31, 1950, the date which the Clapp Mission had fixed for ending relief, not more than 12,287 of the 878,000 refugees on the rolls were employed. Seven months later, the figure dwindled to a mere 812. What actually occurred was that UNRWA took over the relief work of its predecessor and failed to contribute in any way toward a permanent solution of the refugee problem during this time.

The major cause of the works program failure was that it did not obtain cooperation from the Arab governments. Arab spokesmen, fearing the implications of resettlement, viewed the projects with suspicion. They believed that their support would undermine the right of the refugees to return to their homes in Israel. Although UNRWA projects benefited the local governments primarily, they contributed almost nothing to the costs. When the projects were finished, the refugees returned to their tents and ration lines. None of them was economically integrated. UNRWA reported to the General Assembly at the end of 1952 that: "In short, the Agency found itself financing and operating labour camps to build public works which the governments themselves would have built the following year." When its public works fund began to run out, UNRWA decided to bring that part of its program to a close. It had created neither permanent benefit for the refugees nor financial relief for the United Nations, but instead had cost five times the amount necessary for simple relief.

In spite of the failure of the works program, the United Nations made a new start toward an economic solution of the refugee problem when the General Assembly established a $30 million reintegration fund in November, 1950. Its purpose was to reintegrate the refugees into the economic life of the Near East, either by repatriation or resettlement.

Jordan agreed to use the fund for a few small projects, and Egypt offered to draw on it for a survey of the Sinai desert in the hope that 10,000 refugee families could be settled there if water were found. Both governments agreed only after receiving assurances that refugee rights to repatriation and compensation would in no way be affected. Such assurances were prerequisite to any successful United Nations operations in the Arab countries. Neglecting to state them in precise and unequivocal terms could lead to failures like that of the 1950 UNRWA works projects. The General Assembly's resolution establishing the reintegration fund, therefore, carefully emphasized that it in no way prejudiced these refugee rights. But the Arab governments were not satisfied with the language of the General Assembly resolutions. The feeling that they still did not sufficiently protect political positions on the refugee question made it difficult to enlist the Arab states' cooperation with integration projects. They wanted to know more about the terms and conditions of benefit to the refugees. Yet such information could hardly be presented until surveys based on agreements with the Arab states had been carried out.

Fear that the integration plans would meet a fate similar to that of the previous year's work relief program undermined Arab confidence. Assurances of sustained and substantial international support were demanded for any new projects. The Arabs, on the one hand, were reluctant to assume any administrative responsibility. On the other hand, they feared that any program not administered by them might be a "bridgehead of Western imperialism."

To break this stalemate, John Blandford, the American Director of UNRWA from 1951 to 1953, made a round of the Arab state capitals to explain the plans and to ask for help. His conversations culminated in parleys with a Special Committee of the Arab League states in Alexandria late in 1951.

There were hammered out the elements of a fresh plan which became the basis of the Sixth General Assembly's Palestine refugee resolution. It offered a new three-year program of financial support which the Arab states had requested. Their contribution was to be

in the form of land and services. Improvement of refugee living conditions was not to compete or conflict with schemes for improving the life of the local population. UNRWA's abstention from participation in the political negotiations of the Palestine problem was underscored.

To implement the new program, the United Nations proposed the allocation of $250 million—$50 million for relief and $200 million for reintegration. Relief was to be progressively reduced until it would cost the United Nations only five million dollars for 1954. Fifty million dollars during the first and third years, and 100 million during the second, were to be laid out for rehabilitation. A gradual transfer of responsibility for both relief and rehabilitation projects from UNRWA to the Arab states was projected, although the latter continued to emphasize that their cooperation would not be forthcoming without an absolute guarantee of the refugees' political rights regarding repatriation and compensation.

The objective of the three year program was to liquidate United Nations financial responsibility for the problem in 1954, by which time refugee integration was expected to be well along its way. But at the end of 1954, not even 8,000 Palestinians had been made self-sufficient. Less than five per cent of the $200 million had been used, and signs of progress on major development schemes were absent. A solution of the refugee problem seemed so remote that the Ninth General Assembly decided to extend the mandate of UNRWA for the five years ending June 30, 1960, and to make additional relief grants.

To begin with, negotiation of program agreements with the Arab governments dragged on far longer than originally anticipated. It took from seven to seventeen months to conclude the four program agreements which were signed by the end of 1954. The next step was to determine specific projects in the three countries—Jordan, Syria, and Egypt—which had signed for major development works. In Egypt's Sinai desert and in the Hashimite Kingdom's rich Jordan Valley, where Government lands were offered freely, comprehensive engineering surveys had to be made. Were there sufficient water resources and was the soil suitable for cultivation in these areas? To find the answers, preliminary engineering work, preparation of specifications, drafting of plans and designs, took many more months. At that rate years would pass before the construction of a single large hydro-electric plant with its main and subsidiary irrigation canals. It was estimated that the only major plan which had reached the survey stage by 1954, the

Yarmuk-Jordan Valley scheme, would require a minimum of five years work.

In February 1957, Mr. Henry R. Labouisse, the Director of UNRWA reported to the U.N. General Assembly that little change had occurred in the refugee situation. According to the Director, the reason

"lies in the realm of politics, and in deep-seated human emotions. It does not lie simply in the field of economics. UNWRA can, to be sure, enable some hundreds of refugees to become self-supporting each year —through small agricultural development projects, grants to establish small businesses and the like. But it cannot overcome the fact that the refugees as a whole insist upon the choice provided for them in General Assembly resolution 194—that is, repatriation or compensation. In the absence of that choice, they bitterly oppose anything which has even the semblance of permanent settlement elsewhere. Officials of the host Governments, with but few exceptions, openly support the refugees in this position and oppose the large-scale resettlement projects. On the other hand, in the matter of repatriation and compensation, the Government of Israel has taken no affirmative action."[9]

An element of flexibilty was introduced into UNRWA operations when the General Assembly passed a resolution at the Eleventh Session enabling the organization to speed up work on small-scale projects which would be beneficial to the host countries themselves while, at the same time, not abandoning the large programs for regional development.

The new resolution also called for cooperation by the host governments with UNRWA; continuation of the relief and rehabilitation program; assistance from governments and private organizations; and retention of rehabilitation funds. It gave the Director additional authority to disburse these funds to the host governments for general economic development projects, subject to agreement by any such government that, within a fixed period of time, it would assume financial responsibility for an agreed number of refugees.

However, the added authority granted by the United Nations to the UNRWA Director was of little help. By the end of 1957 there was serious danger that the whole rehabilitation program would have to be discarded because of shortages in funds. In a report to the General Assembly at its Twelfth Session, Mr. Labouisse stated that "the Agency has met its growing financial diffi-

culties by cutting out, in the field of *relief,* much new shelter construction and the entire new clothing programme for children, and by deferring the introduction of the improvements endorsed by the General Assembly. In the field of *rehabilitation,* we have suppressed the entire individual grants programmes and two teacher-training schools, and we have deferred the construction of new vocational and agricultural training schools, as well as almost all other building."[10]

The shortage of funds came at a peculiarly frustrating time for "UNRWA had at last reached a point where it could begin to do constructive work for the refugees." It seemed that the refugees were beginning to understand and cooperate with UNRWA's mission and programs leading to self-support and that at last they realized these projects "do not prejudice their political rights. This improved comprehension of UNRWA's non-political mission is undoubtedly a cause for greater tranquility among the refugees, and in the whole area. My consternation," said Mr. Labouisse, "comes from the fact that, because of the lack of funds, we may soon be turning the clock backwards."

He warned that "if adequate funds are not urgently provided to meet UNRWA's minimum budget, the members of the General Assembly will be creating a situation which may lead not only to great human suffering, but also to renewed unrest in the whole area. Such a situation would gravely prejudice possibilities for a just solution of the tragic human and political problem of Palestine."[11]

In its resolution on the refugee problem, the Twelfth General Assembly took note of the Director's warnings, and called upon the Secretary-General "to make, as a matter of urgent concern, special efforts to secure the additional financial assistance needed to meet the Agency's budgets and to provide adequate working capital. . . ."[12]

NOTES

1. For comments on the number of Arab refugees see Note 2, Chapter II.
2. Israel Government, *The Arab Refugees* (Jerusalem, 1953); Fayez Sayegh, *The Palestine Refugees* (Washington, 1952); *Ha-Arez,* Jan.-Nov. 1948 (*passim*).
3. Israel Government, *op. cit.,* pp. 9-12.
4. F. Sayegh, *op. cit.,* pp. 7-20.
5. U.N.G.A. Resolution 186 (S-2).
6. U.N.G.A. OR (3rd session) Supp. no. 11 (doc. A/648) *Progress Report of the United Nations Mediator on Palestine,* pp. 18, 27-8, 47-52.
7. U.N.G.A. Resolution 194 (III); Dec. 11, 1948.
8. After the Israeli occupation of the Gaza strip in November 1956, informal

discussion about possibilities of resettling a number of Gaza refugees in Israel was reviewed, but after the Israeli evacuation, in March 1957, the idea was abandoned.

9. U.N. Press Release PM/3369, Feb. 11, 1957.
10. U.N.G.A. PR (12th session) A/SPC/20/Rev.1.
11. U.N. Press Release PM/3591, Dec. 6, 1957.
12. U.N.G.A. Resolution 1191(XII); Dec. 12, 1957.

CHAPTER II

The Arab States and the Refugee Problem

ALTHOUGH an examination of Arab policy toward the refugee problem is not directly within the purview of this study, a few comments on Arab reactions are necessary to place some aspects of the main question in their proper context.

The few United Nations plans for resettling the refugees in Arab countries were founded upon accurate engineering and agricultural surveys; nevertheless, they often failed to take into consideration the political and social realities of the areas in which they were to be executed. When the Clapp Mission submitted its final report in 1949, it warned of such difficulties in the following words:[1]

> The region is not ready, the projects are not ready, the people and Governments are not ready, for large-scale development of the region's basic river systems or major undeveloped land areas. To press forward on such a course is to pursue folly and frustration and thereby delay sound economic growth.

Despite the warning, wholesale adoption of large-scale development projects was encouraged by the Western powers, in the hope of ending the refugee problem speedily and effectively. What were the causes of failure?

The mere statistics[2] of refugee distribution indicate their impact upon the social and political structure of the Arab world. The heaviest concentration was in Jordan, where, in June 1956, 512,000 refugees constituted over a third of the population. In the Egyptian-occupied Gaza strip, more than 200,000 were crammed into an area of 135 square miles, which is hardly more than a vast refugee camp. There they outnumbered the natives by nearly three to one. The more than 100,000 Palestinians in Lebanon increased that country's population by nearly ten per cent. Only in Syria, where there were 89,000, did they constitute no insurmountable social and economic problem.

Statistically, the refugees were better off than the majority of citizens in most of the host countries. They had access to complete health services. Incidence of sickness and death rate figures were

lower among the Palestinians. Their birth rate was higher. Forty-five per cent of the children of school age received free education, and a wide social service network covered a large part of their needs. Notwithstanding their meager rations—about 1600 calories of flour, pulses, sugar and rice per day—they received sufficient food to prevent serious malnutrition.

Although by the end of 1956 only 38.9% of the registered refugees lived in UNRWA camps, nearly all drew United Nations rations. Their economic and morale conditions had so deteriorated that a growing number were pressing for entry into the camps, where they were guaranteed complete UNRWA sustenance.

But a trip through the refugee camps was enough to convince an observer that these figures told little of the refugee plight. Many living in leaky, torn tents were middle-class urbanites who had owned modest but adequate houses in their native land. In Palestine, their social life was built on a family system which was smothered in the overcrowded, sweltering encampments. The self-reliance and individual initiative of former tradesmen and farmers were drowned in the boredom and frustration which the camps bred. A professional refugee mentality was beginning to grow among people who for nearly ten years had been unable to find any way of existence other than living from United Nations handouts.

Despite UNRWA's excellent relief record—there was little doubt that its operations had kept most of the refugees alive—the psychological and emotional impact of the situation endangered Middle East stability. Smoldering resentment against their status and living conditions brought refugee tensions to a combustion point which often imperiled the existing political régimes in areas where their camps were situated.

Assuming that UNRWA's major development programs for reintegrating the refugees into the Middle East were to succeed, they would absorb no more than 320,000 of them. By 1956, no new plans had been considered for the remainder. Existing proposals contemplated parallel development programs undertaken with aid such as that offered by the Foreign Operations Administration, the Export-Import Bank of Washington, the International Bank for Reconstruction and Development, the British Middle East Office, the United Nations Technical Assistance Board, and self-help from the nations concerned. But there was no visible progress in absorbing refugees through any of these agencies.

In Jordan and especially in Lebanon, "Point Four" was the constant butt of attacks. American Government technicians in Beirut had been accused of being Zionist spies. No Arab nation dared to initiate a resettlement project. The very word was associated by nationalists with defeat by Israel and with "Western imperialism." Israel's often expressed desire to see the refugees absorbed in the Arab states was in itself enough to rouse the strenuous opposition of many hotheads.

Although three governments did sign agreements with UNRWA, it should not be imagined that their official attitude toward resettlement had been modified. According to the Agency's Acting Director in 1954, this was merely "an indication that they appreciate that the facilities offered to the refugees are no more than temporary, and that the acceptance by a refugee of a house and an opportunity to resume a normal life does not in any way affect or reduce his right to repatriation or compensation when the time comes." The frequent manifestos submitted by refugee organizations rejecting UNRWA resettlement schemes and most of the Arabic press articles on the subject deliberately ignored or widely misunderstood this basic principle. Refugee opposition, with which local opinion tended to sympathize, was "a formidable obstacle which must be overcome if tangible progress is to be achieved in implementing the [United Nations] . . . three-year plan." UNRWA alone could not do much to change refugee attitudes, still less that of the local population. Such a change would require the combined efforts of full and unqualified support to the Agency by the Arab governments. But no Arab government felt strong enough to assume such a great political liability.[3]

The basis of the three-year plan was a scheme to develop the Jordan Valley. This was the most elaborate and expensive of the four plans worked out in draft. The project envisaged utilization of Yarmuk and Jordan River waters to irrigate 504,200 *dunums*[4] in Jordan at an estimated cost of $108,720,000 and the supply of 167 million kilowatt hours of electric power at an estimated cost of $53,119,000. The total estimated cost of the project would thus be $161,839,000. The master plan provided for the support of 224,000 workers and their families in the Jordan Valley; 160,000 directly from agriculture, and 64,000 from ancillary employment. One hundred forty-three thousand more persons would be employed in the Jordan Valley than in 1953.

The plan, which included development of the richest lands of

the Jordan through irrigation, called for efficient storage and control of Jordan waters for hydroelectric power and irrigation, regardless of international frontiers. It was designed to give maximum benefits at the least cost to people on both sides of the river. To obtain optimum benefits from the project, however, cooperation among the riparian states—Israel, Jordan, Syria and Lebanon—was required.[5]

To convince these countries of the importance of the plan, President Eisenhower delegated Eric Johnston as his Special Representative to the area in 1953. Between 1953 and 1955 Mr. Johnston made five trips to the Middle East. Originally he found that differences between Israel and the Arab states concerned were so great that early implementation of the plan could not be expected. Finally, Mr. Johnston succeeded in bridging the gap between Israeli and Arab demands on division of the river waters and technical implementation. A technical committee of the Arab League approved the compromise, but further progress was stalled by opposition from the Syrian Government which was reluctant to take the political risks involved in approval of any project which might require either direct or indirect cooperation with Israel.[6]

Added to the political obstacles blocking the Jordan development scheme were problems inherent in the social and economic structure of the Arab countries. UNRWA plans were to irrigate 30,000 *dunums* in Syria and 504,200 *dunums* in Jordan, although no accurate land tenure surveys of the areas had been made. In both countries absentee ownership of great estates in the most fertile regions was common. Many of the smaller private farms were so fragmented that, notwithstanding improvement in irrigation facilities, there was little likelihood of increasing agricultural output. Large numbers of peasants lived on *musha'a* (communally-owned) land which was periodically redistributed, thus encouraging "mining" of the soil rather than its conservation.[7] An extension of large-scale development projects in such a setting was hardly likely to benefit more than a handful of individuals with vested interest in the lands affected. Before a rational plan in social as well as in engineering terms could be worked out, a change in the distribution of land holdings—which in the region meant power—would have to be brought about.

Some danger of increasing the economic power of a small group at the expense of the United Nations and of the refugees was avoided through pledges of government lands in Jordan.[8] But in

the Syrian and Lebanese areas which would be irrigated by the unified river plan, no such safeguards were offered.

* * *

A second major UNRWA development project would help, if successful, to relieve Egypt of the more than 200,000 refugees locked up in the Gaza strip. Barriers were raised against their entrance into Egypt itself. Although its fertile Nile Valley is one of the most productive agricultural regions in the world, it is also one of the most over-populated. The Egyptian Government's own plans for economic reconstruction called for emigration, rather than an increase in population. The Gaza refugees, without risking their lives by infiltrating through Israel, had no way of reaching any other Arab states—which were not eager to receive them in any case.

The only apparent relief for Gaza's overpopulation was the UNRWA development and resettlement project in the Sinai desert. Despite failure, early in the twentieth century, of the al-Arish scheme for Zionist colonization in that area, UNRWA designated $100 thousand for a water search there. Its failure shattered the hope of resettling some 50,000 refugees, until a new Sinai project was pushed forward by Arab political pressures.

In Cairo, the ex-Mufti insisted that the failure to find water was only a British plot to frustrate plans of concentrating the refugees along Israel's frontiers in preparation for reconquest of the "homeland." He asserted that documents in his possession proved that water was found during the al-Arish survey fifty years previously.[9]

The Egyptian Government also was eager not to abandon Sinai for both economic and strategic reasons. If the renewed project should be successful, the area might absorb not only the Gaza refugees, but could possibly provide an outlet for Egyptian surplus population. Settlements in that region could defend the country against such military thrusts as those of 1948-9 and 1956, when Israeli troops almost reached the Suez Canal.

With these ends in mind, the Egyptian Government signed new UNRWA agreements for engineering and economic surveys of Sinai. The Agency promised to reserve approximately $30 million to approach the problem from a new angle. Instead of searching in the desert, it proposed to bring water from the Nile and in 1952 engineers began to examine the possibility of siphoning sweet water from the Ismalia Canal, which was fed by the Nile,

under Suez to the Sinai peninsula. If the project succeeded, 120,000 *dunums* would be irrigated for the benefit of 60,000 to 70,000 refugees.

In August, 1955 the Egyptian Government told UNRWA that water supplies from the Nile were inadequate to meet the requirements of the Sinai project. Previous Government plans for utilization of the river had not been fully implemented and the development of "Liberation Province" had progressed more quickly than expected, thereby increasing Egypt's own water requirements. Consequently, Cairo stated that "it could not undertake to make water available for a project for refugees when it was obliged to restrict the amount of water used by its own citizens." The way out of the dilemma, according to Egypt, would come through development of the High Dam at Aswan. Promises were made that on the day work began on the High Dam, work could also begin on the Sinai project.[10]

* * *

All the Arab refugees could be absorbed in Syria, according to UNRWA technical surveys. That country has a cultivable area of over fourteen million acres, with only about six million now under the plow. In spite of its advantages, Syria was slow to develop its resources for the native population, let alone for the Arab refugees. The reasons for the lag were mainly political.

After the Syrian Republic was established, its governments were notoriously unstable. Four political upheavals, from the outbreak of the Palestine war until 1954, prevented any long term constructive planning there. Although comparative political stability was achieved after the Shishakli *coup d'état* in November 1951, his régime was beset by economic and social difficulties, leading to its collapse in March 1954. The budget showed an annual deficit, owing largely to exorbitant military expenditures. Attempts at reform through distribution of state-owned land among tenant farmers, establishment of government credit banks, and a progressive income tax, were feeble when not outright failures. The coalition government established after Shishakli's downfall was so busily engaged in political bargaining that even the minor attempts at reform of the ex-dictator were abandoned for the time being.

Unsettled land tenure conditions also blocked both Syrian Government and United Nations development schemes there. In 1949 the Clapp Mission strongly recommended that a beginning

be made by reclaiming and irrigating 85,000 acres of Ghab Valley swamp land in the heart of a densely settled region. Little progress was made and the Syrian Government itself threatened to sabotage the whole plan by selling state-owned land in the Valley at the highest prices obtainable. When the Clapp recommendations were submitted, their treatment of the Ghab Valley was publicly criticized by an official of the United States Department of Agriculture because "thinking has not progressed from the technical to the human aspects of the project." Who will own the land of the Ghab swamps? he asked. Although most of it was State domain, would it become absentee-owned after development?[11]

The Middle East heritage of anti-Westernism, which had its center in Syria, bred continual suspicion there against large-scale projects financed by foreigners. Syria's distrust prevented her from joining the "Point Four" program and strengthened resistance against any loans from the West. Shishakli's régime accentuated that trend by attempting to develop a type of étatism similar to that of Turkey. He hoped to carry out his own reconstruction program without financial assistance from abroad and with only a minimum of foreign technical aid. Even before he seized power, the government had announced to the Clapp Mission that it would insist on carrying out an independent development program with its own resources, but by 1954 no such program was begun on a national scale.

One cause of the dictator's collapse was the failure to liquidate his opposition—especially among the great land-owners who returned to partial power in 1954. While Shishakli still ruled, this only added to his desire for complete credit for all Syrian reform and to avoid the stigma of having to accept help from foreigners. The new government was also permeated with a similar regard for outside help. The questionable loyalty of Palestinians to any Syrian Government precluded their welcome in large numbers as immigrants. The intense jingoist spirit which pervaded army thinking on the subject of Palestine made agreement to settle any large number of refugees tantamount to an admission of defeat by Israel.

Shishakli compromised Syria's self-sufficiency policy in September 1950, when he agreed to accept UNRWA's help in absorbing the 82,000 refugees already in the country. The strength of public opinion, however, prevented any official announcement of the agreement for many months and no progress was made in carrying it out.

Under Syria's agreement with UNRWA, $30 million was to be reserved for an integrated program of technical training and education and development of industry, commerce, and agriculture. The total sum was to have been absorbed by June 1954, but by then only $700,000 had been spent. The Syrian Government's part of the agreement was to provide public lands where available. By the end of 1953 only two small areas had been contributed, one of 1700 *dunums* near Homs, and a second of 160,000 *dunums* near Damascus. Only twenty families could be settled on the first. The second consisted of a tract of marginal land on the outskirts of the Damascus oasis, of which only 10,000 *dunums* could be cultivated. Most of the soil contained quantities of salt and alkali which would have to be washed out at great cost to permit agriculture. Thirty-two wells were drilled in a search for irrigation waters, but only six were producing quantities of any practical use. The cost of developing these lands for the few refugee families which could settle them was five times that of other areas which the Syrian Government withheld from UNRWA.

Areas more suitable for agriculture were found in the North and Northeast of the country. UNRWA concluded that these areas had great potentialities. Opportunities existed there on state domain land not only for major development schemes, but also for many cheaper and quicker projects which only involved minor pumping from the Euphrates. The Syrian Government refused to permit refugee settlement there.

* * *

Political considerations negated the possibility of refugee resettlement in Lebanon. In spite of the designation of its Litani River area as a site for one of the four pilot projects proposed by the Clapp Mission, all United Nations development plans there in connection with the refugees were abandoned. Lebanon's attitude toward the refugees was so unaccommodating that they were refused, not only citizenship, but even official work permits. Fears of upsetting the tenuous balance of the country's communal system caused the lack of hospitality.

According to official estimates, Christians constituted a slender majority of about 53 per cent of Lebanon's population. No accurate census, however, had been made for many years, and it was widely believed that Muslims outnumbered the Christians. Nevertheless, political and social life continued to operate as though

Lebanon were a Christian republic. The system of proportional representation in the executive and legislative branches of government was based upon the fictitious official estimates which were presumed to be static. Since 90 per cent of the Palestinians were Muslims, granting them citizenship would undermine the official figures along with the whole structure of government.

* * *

"The outlook is not, however, entirely dark," according to UNRWA officials. They reported that individual refugees, when offered opportunities to take advantage of minor projects, were eager to abandon the enervating life of the camps. Some even approached the Agency to ask for a chance to become self-supporting.[12]

Such small-scale successes occurred mostly in Jordan. There, as part of an $11 million agreement aimed at making approximately 5,000 refugee families self-supporting, a few small agricultural projects were executed. Even before agreements were signed with UNRWA, they were begun on state lands. One, at Marj Naja in the Jordan Valley, cost about $120,000, and enabled some 24 families to cultivate 750 *dunums* with water from Agency-surveyed and developed wells. Houses, tools, agricultural equipment and livestock were provided to assist the project. A second, near Janin, was on rain-fed land, and, therefore, cost only about $20,000. It succeeded in making about 100 refugee families self-sufficient.

Part of the $11 million was used to establish a series of small agricultural settlements along the Israel frontier. By June 1953, 263 families, whose land had been on the Israel side of the border, had been settled. The crazy-quilt pattern of border alignment fixed by the Israel-Jordan Armistice Agreement in 1949 had cut them off from their lands, abandoning them in Jordan villages with no means of livelihood. Nearly 200,000 Palestine Arab farmers now living in Jordan were made landless by the armistice agreements. These people who, from the rocky hills, watched new Jewish immigrants work fields in the plain which formerly were theirs, constituted the main group of infiltrators who created such strings of incidents as those leading up to Qibya. Hundreds of refugees crossed the border nightly to reap crops on their former lands, to steal irrigation pipe, or to take vengeance for a family member who might have been a casualty in some previous infiltration escapade. It was hoped that UNRWA resettlement of these

landless infiltrators, although they are not all refugees according to the strict definition of the term, would mitigate the friction between Israel and Jordan. By 1954 four new border villages were established and several more are planned with UNRWA funds.

In Amman, an urban housing project costing $68,000 was also financed under the $11 million agreement. Fifty dwellings were completed on the outskirts of the city late in 1952 for 250 refugees who had already found employment. Provided with a house at a nominal charge, they were enabled to become completely self-supporting.

The agreement also made possible the employment of a further 1,800 refugees and their dependents through establishment of the Jordan Development Bank. It began with an authorized capital of $1.4 million. Eighty per cent was contributed by UNRWA, ten percent by the Government of Jordan, and ten percent by other subscribers. The Bank's articles of association stipulated that 80 percent of the loans issued must directly benefit the refugees. By April 1956 the Bank's loans amounted to $1,184,500. A little over half that sum was for agriculture and most of the rest for industrial development.

* * *

What was the reason for the success of small projects, as compared to that of the large-scale development schemes? The psychological factors were perhaps most important. In small projects the individual refugee could see the actual house he would inhabit, the plot of land he would cultivate, the handloom he would operate. The dangers and possible insecurity awaiting a person removed from the ration rolls or from a camp to a particular farm or industrial plant where chances of making a living were clearly visible, were far less than those in store for a mass of people who would be moved to some outlying region where the physical realities of life, a home and livelihood were uncertain and speculative, rather than specific and concrete. The Palestine Arab would surrender gladly the security offered by UNRWA relief for that of a definite and tangible alternative within the realm of his experience. But nearly all preferred to remain professional refugees rather than gamble on an experiment which was far beyond their ken.

The Arab governments and refugee leaders could afford to lend their support to, or at least not to sabotage, small projects. They were not stigmatized with the political tag of "resettlement" which in nearly all Arab minds was synonymous with defeat by Israel and abandonment of repatriation to the "homeland." Small projects were largely self-sustaining and required no inter-regional cooperation—as did the Jordan-Yarmuk scheme—with Israel or with other, competitive Arab neighbors. Neither was a long-term infusion of foreign capital and experts required to see such projects through. Cooperation with and support for their success did not involve, therefore, any great political liability.

Finally, the scale of the small projects was proportionate to the capacity for social adjustment in the region. The responsible administrative machinery necessary to run a major river development, which did not exist in any Middle East nation, was not required. Neither did the whole social structure of any nation—its land tenure and distribution of economic power—have to be changed to guarantee minimum benefits to the refugees from small projects.

If the large-scale development plans were continued without giving more thought to the political and social environment in which they were intended to integrate the refugees, their ultimate usefulness could be seriously questioned. Even should the large-scale schemes eventually come to fruition, their capacity to absorb refugees would still be limited and some supplementary means of integrating the refugees would ultimately be required. Although absorption of the Arab refugees through small projects seemed to be an infinitely longer and more painful process than gulping them down at one draught in two or three great river projects, it was a surer, more economic way to success and more in keeping with the political and social realities of the Middle East.

Support of the small project approach was not predicated upon complete abandonment of the major development schemes, nor did it negate the work already done. When the time comes, and the Middle East is ready for regional development, the small projects which will have gradually assimilated many refugees could be integrated into an over-all plan. But before that time there shall have to be great changes in the Arab world.

By 1956 harbingers of such change already began to appear. Iraq was devoting a major part of its oil revenues to an economic development program which could produce fundamental eco-

nomic and social change there. In Egypt there were also extensive programs for economic and social rehabilitation, although the difficulties facing the young officers directing the country's revolution were formidable. In all countries in the area there was a ferment of change which seemed to be stirring all layers of society and instilling in them a desire for material and social progress.

NOTES

1. CCP, *Final Report of the United Nations Economic Survey Mission for the Middle East* (New York, 1949) Part I, p. 3.

2. No accurate count of refugees has ever been made. The figures presented yearly by UNRWA to the Secretary General of the UN are approximations based on ration lists. In many instances the ration lists have been found to be inflated. However, removal of individuals from the ration lists is often very difficult because of local political pressures. Often deaths are not registered, although most births are. Frequently non-refugees infiltrate the lists and it is difficult to determine who is and who is not qualified to receive rations. The Clapp Mission, basing its calculations on the population of Palestine in December, 1946, estimated that as of September 30, 1949 there were a total of 726,000 refugees (persons who fled from Israel-held territory), but a total of 1,019,243 "alleged relief recipients." The difference was accounted for by "duplicate registrations, destitute persons and other non-repatriable relief recipients in the different areas." In Arab Palestine alone the Mission estimated that of the 431,500 alleged relief recipients, only 280,000 were persons who had fled from Israel-held territory. The difference was attributed to 69,157 local villagers who were being fed by the United Nations and a 20 percent duplication in the remainder. The country distribution of relief recipients and refugees in 1949 was as follows:

Area	Alleged Relief Recipients 30 September 1949	Persons Who Have Fled from Israel
Arab Palestine	431,500	280,000
Egypt	—	7,000
Gaza (Egypt held Palestine)	210,987	190,000
Iraq	4,000	4,000
Jordan	100,905	70,000
Lebanon	140,448	100,000
Syria	83,403	75,000
Total	971,243	726,000
Israel	48,000*	
Grand Total	1,019,243	

*31,000 Arabs and 17,000 Jews—these represent individuals who fled from one part of Israel to another as a result of the war.

These figures are from the *Final Report of the United Nations Economic Survey Mission for the Middle East* (Part 1), p. 23.

The country distribution of refugees and rations distributed between June 1950 and June 1957 according to UNRWA estimates was as follows:

Country	June 1950 refugees	June 1950 rations	June 1951 refugees	June 1951 rations	June 1952 refugees	June 1952 rations
Lebanon	127,600	129,041	106,896	106,068	104,901	99,903
Syria	82,194	82,824	82,861	80,499	84,224	80,674
Jordan	506,200	503,423	465,741	444,403	469,576	438,775
Gaza	198,227	188,227	199,789	197,233	204,356	198,427
Israel	45,800	45,800	24,380	23,434	19,616	17,176
Total	960,021	959,315	879,667	851,637	881,673	834,955

Country	June 1953 refugees	June 1953 rations	June 1954 refugees	June 1954 rations
Lebanon	102,095	97,324	101,636	100,056
Syria	85,473	79,819	86,191	83,233
Jordan	475,620	431,012	486,631	443,464
Gaza	208,560	199,465	212,600	207,037
Israel				
Total	871,748	807,620	887,058	833,790

Country	June 1955 refugees	June 1955 rations	June 1956 refugees	June 1956 rations	June 1957 refugees	June 1957 rations
Lebanon	103,600	101,272	102,625	101,056	102,586	101,352
Syria	88,179	84,611	89,977	85,810	92,524	87,451
Jordan	499,606	441,371	512,706	437,855	517,388	433,511
Gaza	214,601	208,674	216,971	213,056	221,058	214,463
Israel						
Total	905,986	835,928	922,279	837,777	933,556	836,777

These figures are taken from U.N. G.A. OR (12th Session) Supl. no. 14 (A/3686). Jordan includes the areas listed as Arab Palestine in the Clapp Mission's report. Figures for Israel end in 1952 because of the termination of UNRWA activities there in July 1952. The Agency and the Israel Government then agreed that Arab refugees remaining in Israel would be absorbed on government sponsored work projects, if they would register at the government registry offices for that purpose. Israel promised to care for unemployable Arabs who had been receiving UNRWA rations under its normal social welfare machinery. Up to half the refugees left in Israel were social cases who were expected to remain a permanent charge on the community. The Israel government was eager to cease UNRWA operations within its borders because it believed that continued distribution of United Nations supplied rations encouraged the development of a refugee mentality among the Arab recipients and also was an obstacle to integrating them into the state. (See U.N. G.A. OR (5th session) Supp. no. 19, p. 5). In a letter to the Director of UNRWA on May 18, 1952, the Israel Government wrote that after removal of refugees from the relief rolls "There will then cease to exist in Israel a distinct category of Palestinian refugees, with a status which differs from that of the other inhabitants of the country." (*The Future of the Arab Refugees,* statement by Michael Comay before the Ninth Session of the UN General Assembly *Ad Hoc* Political Committee on Nov. 26, 1954). The Israel Government estimate of refugees early in 1957 was

"somewhere between 705,000 and 725,000." These figures were from: "Our own statisticians, working from the best available population figures at the end of the Mandate, and allowing for natural increase. . . ." (Statement by Michael Comay before the *Ad Hoc.* Pol. Comm. on Feb. 19, 1957).

3. U.N. G.A. OR (9th session) Supp. no. 17, pp. 2-3.

4. 1 *dunum* = 0.247 acres.

5. U.N. G.A. OR (11th session) Supp. no. 14 (A/3212) pp. 22-23.

6. For further details on the Jordan Valley program see: Georgiana G. Stevens, "The Jordan River Valley," *International Conciliation,* no. 506, Jan. 1956, and Don Peretz, "Development of the Jordan Valley Waters," *Middle East Journal,* Vol. IX, no. 4 (Autumn 1955), pp. 397—412.

7. A UNRWA survey of the land tenure pattern in the Jordan Valley reported that 8.5 percent of land owners in the Jordan Valley (393 persons) owned nearly 68 percent of the area. Just over one percent of the total number of owners (54 persons) possessed 35 percent of the area, each owning 1,000 *dunums* or more. Twenty-two percent of the owners owned less than one-half of one percent of the total privately-owned area (averaging about 2 *dunums* each). (UNRWA, *Bulletin of Economic Development Number 14,* Special Reports on Jordan, pp. 1-80, Beirut, 1956.)

8. Of the total area surveyed by UNRWA in the Jordan Valley (817,000 *dunums*) 47 percent was state property and 53 percent in private hands. However, "lands of better quality are almost entirely concentrated in the privately owned sector." Whereas it appeared that about 85 percent of privately owned lands were of good quality, the exact opposite was true of State Domain. *Ibid.,* p. 6.

9. Personal interview, Nov. 10, 1952, in Cairo.

10. U.N. G.A. OR (11th Session) Supp. no. 14, p. 25.

11. The Middle East Institute, *Americans and the Middle East: Partners in the Next Decade* (Washington, 1950), Afif I. Tannous, pp. 38-40.

12. U.N. G.A. OR (8th Session) Supp. no. 12, p. 2.

CHAPTER III

Early Repatriation Attempts

THE QUESTION of repatriation to Israel or resettlement in Arab countries of the refugees who fled from Israel during the Palestine war, is inextricably woven into the intricate fabric of the Palestine problem. Until now it has defeated all endeavors to find a peaceful solution. Repatriation of refugees who desire to return to their homes has consistently been an *a priori* condition of Arab agreement to discuss peace with Israel. Israel's position has been the opposite: a refusal even to discuss repatriation until the Arab states are ready to conclude peace treaties.

The Arab states have steadfastly maintained that those refugees who desire to be repatriated must be permitted to return. In 1948 Israel had no fixed position concerning an Arab return. Since then, a policy categorically rejecting repatriation and viewing resettlement in Arab countries as the only answer to the refugee problem has evolved.

The inflexible Israeli and Arab postures assumed on repatriation have acquired such significance that their change through compromise would be tantamount to a weakening of political strategy. United Nations attempts to find a political solution to the refugee problem were undermined and the extreme sensitiveness of the issue retarded efforts to work out practical measures of assistance to integrate the refugees into the Middle East.

The repatriation question was raised on numerous occasions, since the refugee problem became an international concern. When concessions *vis-à-vis* the Arab world were demanded from Israel, the repatriation issue was often interjected. Despite the variations in Israel's response, only a nominal number of Arabs returned. Even these owed their repatriation less to international pressure than to the Israel Government's reaction to internal political maneuvers among the several parties contesting for the vote of the Arab minority.

Here we begin to trace the development of Israel's policy and attitudes towards the return of the refugees to their former homes. We examine the factors in which there has been unchanging unanimity of public opinion, both among government supporters and

in the opposition; the fundamental differences in public opinion on the issue; the government's policy on repatriation and some of the considerations affecting the subtle changes in that policy.

United Nations Concern: The Beirut Conference (March 21—April 5, 1949)

Shortly after the formation of the Jewish state on May 14, 1948, Israeli officials began to emphasize the strategic importance of the Arabs who had fled. They claimed that an immediate refugee return would be militarily advantageous to the Arab states. Israel was then hard pressed on all fronts by the attacking Arab military forces. A drastic manpower and material shortage faced the country. Although no accurate stock had been taken of national resources, it was clearly understood that the country's position was so precarious that there was an immediate need for draconic measures mobilizing all human and material assets. These measures included a national draft of every physically able person, from children of sixteen through men of forty-nine and women of thirty-five, and the imposition of stringent economic controls.

At this time there was no accurate count of the numbers of Arabs who had left Israel, but it was obvious that their flight had occurred in large enough numbers to be one of the vital elements in the scene.

Israel's military authorities argued that a mass return of Arabs would engage large security forces. They feared the danger of epidemics among the returning Arabs and that the State would be required to use large amounts of medical supplies and labor to care for the refugees at a time when these resources were required for the army. Many of the returning would have no means of identifying themselves as former inhabitants of Palestine. This would permit the creation in the country of a large "fifth column." Rehabilitation and care of the Arab refugees would engage the services of many experts who were serving in the armed forces. Motivated by these reasons, the government decided that no Arabs would be permitted to return before the end of the war.

Israel took its adamant position in the face of strong international pressures to permit the refugees to return. Early in July the United Nations Mediator, Count Folke Bernadotte, appealed to Israel to permit those Arabs to return to their homes who wished to do so. In a compromise offer he suggested that a limited number be permitted to return to Jaffa and Haifa after consultation with him.

Moshe Sharett, Foreign Minister of Israel's Provisional Government, rejected the appeal in a note declaring that:

> Far from being ready to shoulder responsibilities in behalf of these Arabs, whom the Jews never intended to harm and with whom they were anxious to live peacefully, the Government considers itself entitled and determined to claim compensation from the Arab States. . . . When the Arab States are ready to conclude a peace treaty with Israel, the question will come up for constructive solution as part of the general settlement, with due regard to our counterclaim. . . .

The Israeli Foreign Minister saw no valid reason why residents of Jaffa and Haifa should be singled out for special treatment. The return of any substantial number of refugees, he insisted, would give the Arabs a military advantage and, therefore, be a violation of the truce provisions intended to stabilize the military status quo. Sharett presented the refugee question as a single but inseparable part of the total political problem which would have to be resolved in an over-all peace settlement. Finally, disclaiming Israel's responsibility, he placed the blame for the exodus squarely upon the Arab states and the United Kingdom.[1]

The Foreign Minister unofficially told the Mediator that, although Israel was unwilling to accept a mass Arab return before peace, it would consider repatriation of certain categories of individuals who deserved special treatment, provided they had a guaranteed income and that their homes were intact. Such cases would include members of broken families, and were to be handled by the local authorities on an individual basis only, not in general classes. He emphasized that this special treatment was not to be interpreted as a basis for general discussion of the refugee question.

When the refugee question was raised before the United Nations Security Council at this time, Sir Alexander Cadogan, the British representative, appealed for aid on their behalf. He described their predicament as worse than that of the Jewish immigrants in Israel.[2] The British attitude and the Mediator's proposals promptly inspired a chorus of Israel press comments on the refugee question which previously had neither received wide coverage nor aroused much public interest.[3] In the local press, problems of military security overshadowed that of the refugees. Neither the Government nor public opinion had yet shaped any definite views on the problem. All energies and attention were focused on problems of greater urgency to the new state: immigration, military security and national economy.

Security Council debate spurred on the overt public reaction to the refugee problem. The press no longer neglected it. Editorial comment began to reflect national resentment of the defensive position into which Israel was thrown before the Security Council. All leading newspapers disavowed any Jewish responsibility for the Arab flight. The culprits were the Arab invaders and the British. They were responsible, asserted *Ha-Boqer,*[4] daily of the General Zionists, because they had refused to permit a peaceful settlement of the Jewish refugee question based upon proposals of the 1946 Anglo-American Committee of Inquiry on Palestine and President Truman's recommendations to admit 100,000 displaced European Jews into the country.

Great Britain's attitude in the Security Council was attacked as hypocrisy and "one-sided humanitarianism." Both *Davar,*[5] organ of the General Federation of Labor, and *Ha-Arez,*[6] independent liberal daily, believed that the British spokesman's position was inconsistent with his lack of concern for the Jews interned on Cyprus and those living in the Arab world.

Sir Alexander Cadogan's speech was attacked by *Ha-Arez* as a British maneuver to obstruct Israel's aspirations. *Davar,* in commenting on the United Nations' reaction to Sharett's rejection of the Mediator's appeal, emphasized that in actuality the United Nations' Charter forbids such "intervention" in the internal affairs of sovereign states.

If the United Nations wanted the Arab refugees to return to Israel, *Ha-Boqer* stipulated that the Mediator would have to rid the country of its foreign invaders, and place United Nations troops along the borders to prevent their re-entry.

The ideal solution of the problem, according to *Ha-Arez,* would be an exchange of populations between Israel and the Arab states, but only within the framework of a final solution. It would have to take into consideration, not only the Arab refugees, but also the condition of Jews in Arab countries and on Cyprus.

A recurring argument for resettlement of the Arab refugees appeared most frequently in the editorial columns of *Ha-Boqer.* It reasoned that Israel, with only one-hundredth of the land in the Middle East, was burdened with one-sixtieth of its population. Despite this disproportion in its land-population ratio, Israel was willing to take hundreds of thousands of displaced persons from Europe whereas the Arabs, with all their vast territories and wealth, were doing practically nothing for their own breathren who had fled from Palestine.

In spite of Israel's rejection of his appeal and the overwhelming weight of public opinion against it in Israel, the Mediator continued to insist upon the return of the Arab refugees. In his progress report of September 16, 1948, he concluded that: "The right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective. . . ." He urged United Nations backing for and supervision of their right to return "at the earliest possible date."[7]

Pressure to accept the Bernadotte proposals was also exerted from Washington where it was feared that Israel would not accept "essential constructive measures" to solve the refugee problem. Early in September in an *aide-mémoire* delivered by the American Ambassador, James G. McDonald, to Foreign Minister Sharett, the United States Government suggested that Israel "consider some constructive measures for the alleviation of Arab refugees' distress, which is a factor influencing world opinion."[8]

When the Bernadotte proposals were brought to the United Nations General Assembly at the end of 1948, the American Government gave them full support. World opinion in their favor was influenced by the Jewish terrorist assassination of the Mediator. It seemed now that the powers would:

> force Israel to 'moderate its ambitions,' to take 'more fully into account the interests of the world community' and to accept its [world opinion's] judgment of what would be a 'fair and workable solution of the Palestine problem'—that is, the solution embodied in the Bernadotte plan. Israel would be brought before the tribunal of the United Nations as a defendant.[9]

When discussion of the refugee question arose in the General Assembly's First Committee, Israel was immediately on the defensive. Foreign Minister Sharett argued that the question was not simply one of individual rights, as the Mediator appeared to assume, "but one affecting the fate of countries and of peoples." It was "unthinkable" for Israel to take back the Arabs while the war continued, "for there was no guarantee that they would not be used to blow up the Jewish State from within. . . . Who would undertake the task of re-integrating them in Israel while that Government was heavily burdened with defense expenditures?" Israel would discuss the question, but only at a peace conference and within the general context of the problems of peace, he informed the committee.[10]

At this early stage, Sharett proposed that serious thought be given to a solution through resettlement in Arab countries. Mass migrations had occurred in other situations in recent history, he argued, and in no case "had the tide turned back to restore the exact *status quo ante*." He promised, however, that the Government of Israel would "keep the question open" and its final attitude would be determined by relations with the Arab states.

There was little discussion in the Assembly's first Committee when the resolution concerning refugees was finally debated. Only one minor change was made in the Mediator's original recommendations. At the request of Guatemala, the proposed return of refugees was changed from the "earliest possible," to the "earliest practicable date." Guatemala offered this change, because, in its opinion, an immediate return was militarily impracticable for Israel.[11]

The Assembly's resolution followed essentially the recommendations of the Mediator concerning the repatriation of refugees, notwithstanding Israel's opposition. It resolved "that refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for property of those choosing not to return. . . ." It also established the United Nations Conciliation Commission for Palestine (CCP) and authorized it "to facilitate the repatriation, resettlement and economic and social rehabilitation of refugees and payment of compensation. . . ."[12]

The CCP launched its activities by convening a general meeting of the Arab States in Beirut to discuss the refugee problem. The meeting was arranged, although Israel voiced vigorous objections to the British Foreign Office and the American Ambassador in Tel-Aviv. According to Ambassador McDonald the latter unanimously agreed "that only harm could come of such a meeting. Each Arab state would show off its intransigence to the others and no one would be willing to make practical, concrete offers or plans."[13]

Shortly before he opened the conference, the CCP's American Chairman, Mark Ethridge, requested the Ambassador to intervene with the Israel Foreign Ministry in the hope of obtaining a statement on refugees as a conciliatory gesture toward the Arabs. "I did my best, but I was not surprised when Sharett replied with a flat refusal, pointing out that such a statement could only be made after careful consideration by the whole Cabinet."

At the Beirut Conference the Arab delegations unanimously

insisted upon absolute priority for the refugee question over and above all others between the Arab States and Israel. Arab insistance derived from Resolution 194 (paragraph 11) which laid down that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date. . . ."

The Arabs complained that Israel had not only failed to accept that principle but was attempting to create a situation which would greatly complicate or make impossible Arab refugee return to their homes.

The CCP recognized the need to give absolute priority to the refugee question, both for humanitarian and political reasons. However, the Commission acknowledged that the principle of repatriation would have to be qualified by its practical application. Israel's economic and security situation would raise tangible obstacles in the way of a mass Arab return.

Even if the principle were accepted, all the refugees might not elect to return to their homes. The Commission believed, therefore, that the Arab states should agree in principle to resettlement of such individuals in Arab countries. It considered that the refugees should be fully informed of the conditions under which they would return; in particular, of the obligations which they might incur as well as of the rights that would be guaranteed to them. In many cases the return of Arabs would have to take place according to general resettlement plans under United Nations supervision. It was also the CCP's belief that the refugee problem could not be finally solved unless other political questions, especially that of boundaries, were also settled.

After sounding out the Arab States at Beirut, the Commission examined the refugee question in detail with David Ben Gurion, Israel's first Prime Minister. Although the Arab states firmly maintained the view that the refugee question must be considered as the most urgent aspect of the Palestine problem, the Commission informed Ben Gurion that they no longer demanded absolute priority for it. The Commission urged Ben Gurion to endorse the repatriation principle enunciated by the General Assembly because Israel's acceptance would facilitate the creation of an atmosphere favorable to productive negotiations.[14]

The Prime Minister gave no direct answer. He called attention, in particular, to the passage in the resolution which stated that refugees who wished to return should "live at peace with their neighbours." In his view this passage made a large-scale re-

turn conditional upon final settlement. As long as the Arab States refused to end the conflict with Israel, it was evident that his country could have no confidence in declarations on the intent of the refugees to live peacefully with their neighbors. Although the possibility of repatriating a limited number was not excluded, the Prime Minister made it clear that Israel considered resettlement of most of the former Palestinians in the Arab States the ideal solution. Still, "Mr. Ben Gurion fully recognized the humanitarian aspect of the problem and on several occasions declared that, when the time came, the Government of Israel would be ready to take part in the efforts necessary for its solution and that it would do this in a sincere spirit of cooperation." He told the Commission, however, that Israel believed that the refugee question should be solved during the general negotiations for peace.

The Beirut Conference ended in a stalemate which left the basic issues between Israel and the Arab States clear but unsolved. "Ethridge and his colleagues were sadder and wiser. They had learned that both Arabs and Israelis were set on dealing with the refugee issue as if it were a political rather than a tragic human problem. Clearly the first step to peace was not to be taken along that road."[15]

The CCP concluded, as a result of these talks, that neither repatriation nor resettlement in Arab territories could be implemented without a great amount of preparatory technical work. It would be necessary to determine the exact number of refugees and to ascertain who desired to return to Israel and who preferred to remain in an Arab country. The Technical Committee on Refugees was accordingly established to gather the information.

The Commission, discouraged by its immediate failures, began to seek a long term solution "within the framework of the economic and social rehabilitation of all countries of the Near East." The urgent need for an immediate solution to relieve the material and moral dilemma of the Arab refugees, necessitated immediate measures, such as a program of public works—undertaken by Israel and the Arab States—which would make possible the return of some refugees and the immediate settlement of those who did not wish to return.[16]

The Lausanne Conferences—American Pressure to Repatriate 100,000 Arabs. (April 27—September 15, 1949)

When, at the end of April 1949, the CCP's conciliation efforts

remained deadlocked, the Chairman thought a new environment for discussions with the Israel and Arab delegations would facilitate progress. He therefore shifted the venue to Lausanne. But there also the Arab delegations continued their refusal to meet with the Israelis. They insisted that Israel's rejection of repatriation blocked talks on all other issues, particularly on territorial questions. In an effort to obviate this difficulty, the Arab and Israel delegations submitted to the Commission at Lausanne two specific proposals linking the refugee and territorial issues.

Israel offered to accept Gaza's approximately 200,000 Arab refugees and 70,000 inhabitants as citizens provided the area in southern Palestine occupied by Egypt was incorporated within its boundaries, and that resettlement of these refugees would have international aid. The Israeli delegation declared that if the Arabs rejected its offer, it would not commit itself on the number of refugees to be repatriated.

The Arab delegations demanded immediate return of refugees to Israeli-held territories forming part of the Arab state and the international zone in the November 1947 United Nations partition plan. These areas were around Lydda, Ramle, Beersheba, Jaffa, Jerusalem, Western Galilee, and the coast line north of Gaza.

The Commission transmitted the offers, without comment, to the Israel and Arab delegations, but neither would entertain the proposals of the other.[17]

All efforts of the CCP to wring simultaneous concessions from both sides continued to be thwarted. It now began to exert pressure upon Israel to make a definite commitment on the number of Arabs it would repatriate. Tangible concessions on this matter would produce similar Arab reactions in the Commission's view. The United States Department of State backed the CCP through McDonald in Tel-Aviv and Ethridge in Lausanne. Both men asked Israel to permit the return of 200,000 Arabs. There were even speculations in the Israel press that the U. S. demanded a complete repatriation.

On May 29, President Truman sent a strong note to Prime Minister Ben Gurion through Ambassador McDonald. "It expressed deep disappointment at the failure of Eytan[18] at Lausanne to make any of the desired concessions on refugees or boundaries; interpreted Israel's attitude as dangerous to peace, and as indicating disregard of the U.N. General Assembly resolutions of November 29, 1947 [partition and frontiers], and December 11, 1948

[refugees and internationalization of Jerusalem]. . . ." The note insisted that tangible concessions on the refugees should be made at once. They were an *a priori* condition for a general settlement. The operative part of the note threatened that the United States "would reconsider its attitude toward Israel."

Prime Minister Ben Gurion's reply to Ambassador McDonald reiterated his earlier statements, that without peace there could be no Arab return in sizable numbers. " 'How can we permit potential enemies to come back so long as Arab States openly threaten a new war of destruction? To whom should we turn if Israel were again attacked? Would the US send arms or troops?' Finally, he [Ben Gurion] made a passionate off-the-record remark. 'The United States,' he said, 'is a powerful country; Israel is a small and a weak one. We can be crushed, but we will not commit suicide.' "

The formal Israel reply took more than a week in coming. It was "four pages of cogent argumentation." In effect it was an outright rejection of the American note. The reply stated that Israel could not even discuss the return of refugees before peace, especially since only three armistice agreements had yet been signed (with Egypt, Lebanon, and Jordan. The Israel-Syrian armistice was then being negotiated). The note elaborated on the security reasons for Israel's persistence. It rejected the American appeal to humanitarian considerations, arguing that the homes of the refugees had either been demolished or occupied by new Jewish immigrants and that the possibility of their economic sustenance had been destroyed. Therefore, it stated humanitarian reasons were greater for opposing an Arab return.

The note ended by reasserting Israel's regard for the friendship of the government and people of the United States as "an asset of Israel's foreign relations, than which none was higher in value." Israel hoped that this reply would restore the "sympathetic understanding" of the United States Government for its problems and anxieties.

The State Department's reply indicated that: "There was apparently indecision and much heart-searching in Washington. Cool heads won the day. Our [the American] note abandoned completely the stern tone of its predecessor. . . . The crisis was past." During the next few months the American attitude softened. "More and more, Washington . . . ceased to lay down the law to Tel-Aviv." Thereafter, it declined responsibility for proposing specific solutions to either Israel or the Arab States.[19]

At Lausanne it soon became apparent that the CCP's immediate problem was to link the negotiations on the refugee problem with territorial questions. Arab pressure to give priority to the refugee question, combined with Israel's insistence on general discussions, threatened to create another stalemate. To avoid a complete collapse of the conference, the Commission's Chairman recommended another break. In his opinion, the refugee problem was most crucial. If Israel agreed to a token repatriation, the conference could start moving toward direct negotiations. If Israel refused to change its position, he believed that there would be complications. In order to allow the Arab and Israel delegations to consult their respective governments, the Commission suspended meetings between July 1 and July 18, 1949.

When the second phase of the Lausanne Conferences opened, both the leader of the Israel delegation and the CCP's American Chairman had been replaced. Walter Eytan was replaced by Reuven Shiloah, head of the Foreign Ministry's intelligence service. Mark Ethridge turned over his functions to another American, Paul Porter. The change in personnel produced a change in policy. Now the Israel delegation agreed to discuss the refugee question first, within the framework of general negotiations, and to make specific proposals for a settlement of the problem. In response to pressure by the State Department, the Israeli delegation agreed on July 28 to give a total figure of the number of refugees its government would accept. It specifically stipulated that repatriation would have to be part of an over-all settlement of the refugee question.

The Arab delegations gave some ground by agreeing to discuss territorial questions in the spirit of the Protocol of May 12, 1949, which defined Israel's boundaries as those set down in the 1947 partition resolution. They emphasized that their agreement in no way implied acceptance of any particular plan.

Following the Arab reply, the Israeli delegation spelled out in more definite form its proposed contribution to a solution of the refugee problem. The contribution would be limited by security and economic considerations. "Thus, the refugees would be settled in areas where they would not come in contact with possible enemies of Israel; moreover, the Government of Israel reserved the right to resettle repatriated refugees in specific locations, in order to ensure that their reinstallation would fit into the general plan of Israel's economic development." These qualifications left little doubt that few repatriated Arabs could return to their for-

mer homes. Subject to these limitations, Israel agreed to authorize the return of 100,000 refugees "beyond the total Arab population existing at the end of hostilities (including those who had already returned), thus increasing the total number of that population to a maximum of 250,000." The repatriation would form part of a general resettlement plan to be implemented under a special United Nations body.

Considering the Israel delegation's proposals as unsatisfactory, the Commission merely communicated them unofficially to the Arab delegations "for their information."

The Arab delegations objected that the Israel proposal was contrary to both General Assembly Resolution 194 (III) and the May 12 Protocol. They challenged the Israel contention that settlement of Arab refugees in Israel would have to be subordinated to economic and strategic considerations. Again they reaffirmed their demand for repatriation of all Arabs whose homes were in Israel-occupied areas which had been allocated to the Arab State or the international zone as described in the November 1947 partition plan. "If the Israel proposal was to be interpreted as applying exclusively to refugees originating in areas allocated to Israel . . . the Arab delegations would not object to its adoption as a basis for discussion of the disposition of those particular refugees."[20]

Although Israel expressed its willingness to readmit 100,000 Arab refugees, Jewish public opinion was highly critical of the offer. Reaction in the press and in the Kneset to Israel's "contribution" showed that it was less a "good will gesture" than acquiescence to American pressure.

Even the pro-American press became sharply critical of United States policy. *Ha-Arez*[21] claimed that the American pressure was intended to compensate the Arabs for their military defeat. All leading newspapers now believed that return of the refugees had become impossible. "It is too late to turn back the hands of the clock," warned *Ha-Arez*. In Israel there was no longer any means of livelihood for the refugees. They would naturally hate Israel, and the inevitable reaction of the government would be suspicion and fear that the refugees would form an irredentist minority. Israel could not retreat on the issue merely to "please America." Both *Ha-Boqer*[22] and *Ha-Zofeh*,[23] the Mizrachi (Orthodox) Party daily, warned that the returning Arabs would be a "Trojan horse."

The American policy was characterized as part of an Arab-inspired anti-Israel campaign in the United States. *Ha-Boqer*

warned America against Arab exploitation of its humanitarian motives. *Davar*[24] asserted that continued repetition neither modified America's attitude nor made its reasoning more cogent. The editors of *Ha-Boqer* believed that the American pressure was due largely to defective Israel information services in the United States.

Although no leading newspaper would concede that Israel was in any way responsible for the Arab flight, *Ha-Arez* offered Israel's assistance in resettling the refugees through contributions of material help and advice.

Now is the time to form a united front and to erect a "wall of steel" against "the arrows of those who hate us and make false accusations against us," fulminated *Ha-Zofeh.*

In the Kneset all party factions decried American pressure. The emotionally explosive issue gave the opposition an excellent opportunity to attack the government with the full support of public opinion. Even Peretz Bernstein, the veteran General Zionist leader, known for his pro-American sympathies, declared that the State Department's pressure was an overt sign of the decline in Israel's international political standing. There was really no need to submit to demands from the United States, he counseled, because the Americans would never use military force to impose their will. He believed that the government had been too hasty in attempting to appease America. His General Zionist colleague, Joseph Saphir, attacked the government for taking the initiative by its offer to repatriate 100,000 Arabs. That number would now be stamped in the public mind at home and abroad. When the refugee question came up for negotiation, it would be difficult to change the figure.

The nationalist-extremists uttered full-throated cries of doom. The Freedom (*Herut*) Party leader, Menahem Begin, condemned the government for its surrender. He was sure that peace negotiations did not depend upon the refugees or treaties, but upon the balance of military, economic, territorial and strategic power. Nathan Friedman-Yellin of the Fighters' Party (former Sternists), accused the United States of leading an "extortionist Arab-Anglo-Saxon front" against Israel.

Although the parties of the left, Mapam (United Labor Party) and the Communists, favored the return of "peace-loving" Arabs, they also belabored the government for its "surrender" to American "imperialism." Mapam's Jacob Riftin charged the State De-

partment with attempting to undermine Israel's sovereignty. According to Communists Meir Wilner and Shumel Mikunis, the "Anglo-American imperialists" had caused the flight, and now they were using the refugee problem to block peace between Israel and the Arab states.

More serious were the criticisms of members of the government coalition. Mapai Foreign Minister Sharett depended upon the support of the Progressives and the United Religious Front. Without their approval, his foreign policies had little chance of success. Even they were critical of repatriation. According to Izhar Harari of the Progressives, the best service the United Nations could render to the Middle East would be to refrain from considering the refugees problem. If the international organization would not interfere, the problem could easily be settled. Idov Cohen, another Progressive, compared the situation to the Jewish demand for immigration to Palestine during World War II. Then the Zionists were told to wait for peace, and such should be the answer to those who now demanded Arab refugee repatriation.

Rabbi Mordechai Nurok of the United Religious Front felt that foreign pressure offered no serious threat, since the great powers would not back it up with troops. In his opinion the strength of the United Nations was only in its talk. At worst there would be merely a worthless "deluge of words, threats, and resolutions." His Orthodox colleague, Abraham Goldrat, was concerned about the haste with which Sharett had carried out the new refugee policy because it had caused misunderstanding in the Kneset. Goldrat asserted that even the members of the Kneset's Foreign Affairs and Security Committee were surprised by the proposed Arab repatriation.

Greatest anxiety was caused by criticism of Sharett's policy within Mapai itself. Although there was little danger of a revolt within the party over the refugee issue, there were rumblings of discontent with Foreign Ministry efforts to appease the Americans. Meir Argov, a powerful Mapai whip, castigated the government's agreement to repatriate 100,000 Arabs as premature. He warned that the creation of such a large Arab minority would cause serious security problems. According to Zalman Aranhe, another Mapai Kneset leader, if the government had avoided international discussion of the matter immediately after the war, it would have been unnecessary to make such a concession. Their associate, Shmuel Dayan, father of Moshe Dayan, later to become Israeli

Chief-of-Staff, was worried that Israel's concession at Lausanne would deprive future Jewish immigrants of much land. He doubted that there would have been serious repercussions if Israel had resisted America.

The various party policies toward the refugee problem generally reflected their respective differences in foreign policy. Mapam, then the second largest party in the Kneset, was oriented toward friendship with the Soviet Union. Its leaders often attacked the Western powers for their "imperialistic" machinations in the Middle East. It frequently championed the cause of Israel's Arab minority, which its theoreticians believed could serve as a bridge to closer ties with the neighboring Arab states. Mapam members called for the return of "peace-loving" refugees as part of a clear-cut and well planned policy of encouraging "progressive and democratic" Arab elements. They were ready to back the absorption of Gaza along with its 200,000 refugees within a general peace settlement but not as a result of American influence. Asserting that Israel's security demanded immediate Arab repatriation, their Communist allies backed them all along the line on this issue. According to Shmuel Mikunis, obstacles in the way of their return would only give the British and American "imperialists" a pretext to incite the refugees against Israel.

The guiding principle of the nationalist Herut Party was conquest of neighboring Jordan. Its leaders regarded most Arabs as "fifth-columnists" who would jeopardize national security if Israel ever had to fight a "second round." Ya'aqov Meridor warned that if 100,000 Arabs were repatriated, the Jews would be unable to live "without fear of a bomb being thrown into their homes." The solution of the problem offered by Herut's Arieh Ben Eliezer was an evacuation of Arab armies from all Palestine and Jordan. Then the remaining Arab civilians would be assured of all their rights. A vote of forty-one to ten defeated his demand for a national referendum on Arab repatriation.

The conservative General Zionists, representatives of Israeli "big business," were an up-and-coming opposition political group. (From 1951 to 1955 they were the second largest party in the Kneset and during much of that time, members of the government coalition). Usually supporting the government on foreign policy matters, they disagreed in the case of repatriation. Their leader, Peretz Bernstein, believed that only a transfer of populations could solve the refugee problem. He reminded the Kneset that the idea,

originally proposed by the British, had received strong support from the British Labor party in 1945. It was his theory that "Zionism itself is actually nothing but transfer."

Leaders of the small liberal Progressive Party who usually took a moderate, middle-of-the-road position in most controversial disputes, were also frightened by the possibility of a large Arab influx. One of its leaders, Izhar Harari, argued that most Arabs would be unable to return to their former homes because they had been occupied by new Jewish immigrants. Arabs who returned would have to be resettled elsewhere in Israel. Even that would be most impractical. Why, he asked, should refugees who could not return to their homes in Haifa be more at home under the Jewish flag in Nazareth, than under Arab rule in Jordan? He could not understand why an Arab would feel better in the Israel parts of Palestine than in its Arab regions. When a refugee crossed the border from the Arab to the Israel part of Palestine, would he cease to be a refugee? He implied that there was little logic in the Arab case, if, as they had stated, they waged war to rescue their brethren from Israel and now sought to repatriate them under Israel's flag, authority, and law.

Members of the United Religious Front followed a similar line. Although they were members of the coalition government and were thus expected to support Foreign Minister Sharett, they were frightened by the implications in the return of tens of thousands of Arabs. Citing the British Labor Party Platform of 1945 for authority, their leaders also urged a solution of the problem through a transfer of populations. A novel guarantee against swamping the country with Arabs was proposed by Kneset member Eliahu Mazur. If Arabs were to be repatriated, the proportion of Jews and Arabs should be kept in the existing ratio of 950,000 Jews to 150,000 Arabs, that is, no more than one Arab should be permitted to return for each Jew who immigrated. Rabbi Nurok urged the Kneset to discuss the question of granting exit permits to Jews living in Arab countries as a *quid pro quo* for negotiations on the refugees.

Although a few Mapai members were openly hostile to the recommendations of their Foreign Minister, their general attitude was resignation to an unfortunate necessity. Yona Kesseh argued the concession had to be made to gain maneuverability at the United Nations. Fellow Mapai member, Zalman Aranhe, belittled the whole importance of Israel's offer. The storm of debate in the Kneset was really a "tempest in a teapot," he said. It really

concerned the return of only 65,000—not 100,000 Arabs. Twenty-five thousand had already returned, and another 10,000 were to be reunited with their families under a United Nations sponsored scheme. This left only 65,000 for bargaining purposes.

The only overt support for repatriation came from the Nazareth Democrats, an Arab party affiliated with Mapai. Its Kneset members voted the straight Mapai line on all issues except those few concerned with Arab affairs. When these issues arose, the dictates of Arab public opinion in Israel determined their votes and Kneset statements. Therefore, they were outspoken opponents of any restrictions on a large scale return of Arabs to the country. Sayf al-din al-Zu'bi rejected the allegation that returning refugees were likely to be dangerous. In his view, their return would effectively guarantee Israel's independence. His Arab colleague, Amin Jarjurah, believed that the refugee problem was the largest obstacle to peace. He criticized the way the government had handled the matter at Lausanne and asserted that it had caused Arab intransigence. The Arab desire to return to their homes was a natural feeling, he argued. If the Jewish people desired to return to Israel after 2,000 years, it was illogical to expect the Arabs who had left only a few months ago to give up the idea of return, he reasoned.

Although American pressure had pushed the refugee problem into the forefront of cabinet tasks requiring immediate attention and decisive action, the danger signals raised in the Kneset and in the press indicated that the Foreign Minister would have to proceed with caution. He was forced to abandon his policy of "no-policy" and to improvise with haste a definite line regarding the return of the Arab refugees. The problem was rising to paramount political importance. Sharett would have to acclimate his policy to public opinion, or he would endanger not only his own position, but the government coalition upon which Mapai relied for support. Caught between the hammer of the State Department and the anvil of unanimous public fear of a large Arab return, the Foreign Minister sought safety with the offer of 100,000. But sentiment in the Kneset forced him to modify even that compromise.

Sharett gave a frank exposition of the government's position on the refugees, in two detailed Kneset speeches, the first on June 15 and the second on August 1, 1949. His basic theme was security. Although the government did not preclude the return of any Arabs, repatriation would not be considered before peace with the

Arab states. The return of large numbers of refugees before then would be national "suicide . . . like thrusting a knife into our own breast." In similar contemporary historical situations, no other country was called upon to permit such a repatriation.

Even if peace were achieved, economic considerations limited the possibilities of a large Arab return. The Arab economy was destroyed. An influx of new Jewish immigrants had created a new economy.

For the sake of peace and stability in the countries surrounding it, Israel could not disregard the refugees and would contribute toward their resettlement by payment of compensation for their abandoned property. It would not make an *"a priori"* decision that "no one will return." As part of its contribution, the government would sponsor the reunion of families separated by the war.

Although Sharett acknowledged that he had promised to permit the return of a limited number of refugees, he mentioned no precise figure in his Kneset comments. He merely stated that Israel had indicated its willingness to repatriate a limited number within the framework of peace. He denied that this was submission to foreign pressure. It was instead, he argued, a way of eliminating that pressure. The government was really attempting to force the Arabs to take an even greater number of refugees. If the Arab states did not react favorably to Israel's offer, it would be withdrawn, warned the Foreign Minister.

The government's greatest emphasis would continue to be, as it had always been, upon refugee resettlement in the Arab countries where the former Palestinians would be a valuable asset to regional development.

Reunion of Broken Families

Although the CCP could not induce Israel to accept the repatriation principle at Lausanne, it did make progress in negotiating the reunion of a few Arab families in Israel with relatives who had fled across the frontiers. The Commission hoped that this minor concession would help thaw the ice which had closed over the second round of peace talks.

From the first days of the Israeli Provisional Government, its offices were flooded with letters from Arabs in Israel requesting permission for relatives to return home. The war panic which swept through the Palestine Arab community had split thousands of families. Husbands and wives, children and parents were sepa-

rated in the frantic hejira. In many instances, the separation was not caused by flight, but by a chance division of the firing lines that were formed during the battles between Jews and Arabs.

Requests to reunite families were made by Israel's Arab dignitaries and by Jewish and Arab members of the First Kneset. They were answered in the Foreign Minister's speeches of June 15 and August 1, when he announced the government's willingness to consider them.[25] In addition to its humanitarian aspects, the offer had practical value for Israel authorities. It was a first step toward acquiring support from the bewildered and disgruntled Arab minority. The authorities hoped it would eliminate one cause of the growing infiltration. These illegal border-crossings created an increasingly serious security problem because they tied large numbers of troops and police to the frontiers. Reunion would also alleviate the deteriorating economic conditions of many families cut off from their bread-winners.

At Lausanne the Israel Government agreed to allow the return of wives and minor children of "Arab bread-winners lawfully resident in Israel and to consider other compassionate cases for readmission. . . ." The Israel authorities were prepared to begin the reunion at once, independent of a broader solution of the refugee problem. Administrative aspects of the plan were assigned to the Israel-Arab Mixed Armistice Commissions.[26]

In Israel the press and radio announced the scheme to the Arab community. Applications would be received from heads of separated families. Men would be permitted to request return of their wives and all unmarried children under fifteen. Women could apply for return of their children, only if their husbands were in Israel. The government intended to reunite families in the country where the father was located. The Ministry of the Interior's Immigration Department distributed application forms through the offices of the Military Governors of Arab areas. They could be submitted between August 1949 and March 1950. (The time was later extended to the end of April 1950).

Although the plan was administered by the Ministry of the Interior, applications had to be approved by a committee representing the Prime Minister's office, the Ministries of the Interior, Foreign Affairs, Immigration, Police and Defense. According to the Ministry of the Interior, 1,329 valid applications were received by April 1950. They included requests for the return of 3,957 persons. The Inter-Ministerial Committee approved the return of 3,113 of these Arabs by the end of April 1950. However, only

1,227 of them returned to Israel. The authorities blamed the difference between the number of individuals approved and the number who returned (about 2,000) on the refusal to take advantage of the offer by many eligible for repatriation.[27] Tens of thousands of other applications were received but not considered, since they were submitted with no valid proofs of former residence in the country.

After applications received the approval of the Israel authorities, they were forwarded to the Mixed Armistice Commissions which turned them over to the Egyptian, Jordanian, or Lebanese authorities. (No agreement was reached with Syria on the reunion of families.) The Arab authorities tried to trace family members who were to be reunited and sent them to special border stations at Ras al-Naqurah on the Israel-Lebanese frontier, Mandelbaum Gate, in Jerusalem on the Israel-Jordan frontier, and Gaza on the Israel-Egyptian frontier. There the Israel Department of Immigration received and processed them as entering immigrants before allowing them to return to their families.

The first repatriation under the plan occurred in December 1949. Seventy-two individuals returned from Lebanon in this group. The Military Governor of Western Galilee met them at the border and welcomed them back to their "mother-land and homes." In the Old City of Acre, then one of the few totally Arab-populated towns, the day was declared a public holiday.

The reunion of families scheme won the blessing of all political parties except the extremist Herut and Fighters. They called the plan a first step in a string of concessions which would force Israel to give up her sovereignty.

Although press opposition against the principle of repatriation continued, most Israeli newspapers supported the family reunion scheme. This was not a harbinger of a government policy change, commented *Davar*[28] and *Ha-Arez*,[29] but merely an administrative measure. National security continued to be the most important consideration conditioning the return of Arabs. Newspapers which had been critical of the government for submitting to American stress on the repatriation question, did not consider the reunion offer a "surrender." After all, they rationalized, return of a few women, children and old people to families already integrated in the nation's economy, could hardly have a detrimental effect on Israel's welfare. *Ha-Boqer*[30] argued, on the contrary, that internal security had been strengthened. The reunion would restore the normal life necessary to make loyal citizens of many Arab resi-

dents in Israel. The move served as a challenge to the Arab states to prove that they were not merely using the refugee problem to embarrass Israel.

The Communist and Mapam dailies, *Qol ha-'Am*[31] and *'Al ha-Mishmar*,[32] favored the plan, but thought it unfortunate that it had been adopted as a result of American pressure. *Qol ha-'Am* cautioned that President Truman desired to use the refugees as a pretext to control Israel's economy. To counteract America's devices, the Communists proposed that the reunion scheme be accompanied by creation of an Arab state along the lines of that defined in the 1947 partition plan, and by removing "artificial differences" between Jews and Arabs in Israel.

Ha-Zofeh,[33] the Orthodox newspaper, warned that the government had been too lax in choosing the returnees. There was great danger that many fifth-columnists would now enter the country. Further political surrenders to the United States would lead to national suicide. The Orthodox editors, however, conceded that the move did have some value. It would "completely puncture the demands" made by humanitarians at the next session of the United Nations General Assembly. "Israel will then be able to say, we have fulfilled our obligation toward the refugees."

Only the nationalist *Herut*[34] was entirely pessimistic about the family reunion. Not only was it a retreat from the government's often stated position against Arab repatriation before peace, but it was dangerous. Now no one could tell where the Arab influx would cease, and foreign powers would be encouraged to demand a cessation of Jewish immigration to save room for returning Arabs.

The Arab delegations at Lausanne and the minority in Israel were dissatisfied with the plan. They pressed for a definition of "family" more compatible with the social structure of Arab family life. The Israel proposal only offered to reunite minor sons, single daughters and wives with their parents and husbands. The Arab family is much broader, they argued. It is built within the framework of a joint family system in which the relationship between brothers and sisters and often even cousins, is closer than the family ties of spouses or parents and children.[35] "Is my sister or brother less beloved than my wife? I can change a wife but not my sister or brother. If I bring back my wife and younger son and leave my older son [over 15 years old] in Cairo, how will I be able to take care of him, and them, without my son's help?" plaintively

asked a typical Arab husband and parent. The Arabs also protested that the evidence required to prove former residence and family status in Israel, such as marriage or birth certificates, had been lost in many cases during the chaotic war era.[36]

The Israel authorities answered such complaints in a reply to the CCP's Technical Committee on Refugees. They stated that the plan was not to be strictly considered as a reunion of all separated families. Its purpose was to permit certain categories of Arabs, namely legitimate wives and minor unmarried children, to join heads of their families in Israel, provided it was possible to support them. Certain exceptions could be made on "compassionate grounds."[37] The Israelis pointed out that if all Arab families in Jaffa were reunited, its Arab population would be doubled from four to nearly eight thousand. The situation would raise serious problems of housing and employment in an area already overcrowded with new Jewish immigrants.

Early in 1950, the Israel Department of Immigration announced that it would not accept applications from Israel Arabs for family reunions after April 1, 1950. Although the program officially expired, applications continued to flow into government offices. Not all of them were automatically rejected. Many, after a more detailed investigation, were approved. They resulted in reunion of an additional 1,358 Arabs between April 1950 and September 1952 when the scheme was officially resumed.

The second official period for submitting applications began on September 15, 1952, and continued through March, 1953. It was later extended until the end of June. Resumption of the plan was the result of continued inquiries from Arab Kneset members who were supported by Jewish colleagues from various political parties. The question was raised in the Kneset by Mapai members in July, 1952. Their intervention resulted in the announcement of the Minister of Interior in August that the scheme would be continued.

During its second phase the reunion scheme was extended to include fiancées of Arabs in Israel, sons who would be up to seventeen years old by June 1, 1952, and a limited number of Arab students over seventeen years old who were studying abroad. In the latter category there were approximately 100 young men who had been studying in Great Britain, the United States, the Arab States and in various European countries. A "special allowance" of 150 husbands, whose wives resided in Israel, were permitted to return. They were hardship cases whose wives had sent appeals

through the Israel Ministry of Social Welfare where they had applied for employment. Other "compassionate cases" included mothers of wives resident in Israel, or sons who, although over 17 years old, were the only family members on the Arab side of the border. Included among the "compassionate" cases were many applications from infiltrators, "not all of which were rejected."[38] Since the family reunion scheme officially ended, small numbers of Arabs with relatives in Israel have continued to return under the auspices of the Mixed Armistice Commissions. As of the beginning of 1957 their total number was about 8,000.[39]

It was estimated that between 20,000 and 30,000 infiltrators were "unofficially" granted permission to remain in Israel. Notwithstanding this figure, the Minister of Interior, Moshe Shapira, declared in August 1952 that resumption of the reunion scheme had not caused an increase of Israel's Arab population, due to the fact that "the plan also called for the exit of Arabs from the country."[40] Minister Shapira's statement was made for home consumption. It varied with an earlier pronouncement on the subject made for the world at large by Ambassador Abba Eban in the Fourth General Assembly of the United Nations. Mr. Eban stated that Israel had set aside security considerations which militated against any repatriation to permit reunion of Arab families. He estimated that his country's Arab population had nearly doubled "chiefly because of the return of refugees."[41]

Israel authorities had expected the reunion of approximately 15,000 individuals under the plan. But not more than 4,000 actually returned through direct application during the officially proscribed period. Government officials asserted that they had approved nearly all applications received on behalf of individuals eligible within the terms defined by the official pronouncements. They claimed the Arab States failed to follow up on many applications they had received through the Mixed Armistice Commissions.

When the reunion plan was renewed in 1952, a few Jewish and Arab Kneset members proposed to include within its scope not only women, minor children and "compassionate cases," but all individuals who had close blood ties with families in Israel. They argued that by readjusting the scheme to the realities of social structure in the Arab community, families separated by the war could be completely reunited through return to Israel of not more than 50,000 Arabs. Reestablishing and concentrating their blood ties within Israel would strengthen the loyalty of the country's Arab minority and eliminate one fundamental cause of in-

filtration. Arab Kneset member Mas'ad Qasis, of the Mapai-affiliated Nazareth Democrats, believed that a communal reunion scheme would help reconstruct the fragmented Israel-Arab social structure. According to the details of his proposal, the Arab community could be stabilized by reuniting all relatives by villages rather than by individual families.[42]

NOTES

1. U.N. S.C. OR, Supp. for Aug. 1948, pp. 109-09 (doc. S/949); *Ha-Arez,* Aug. 6, 1948.
2. U.N. S.C. OR, Third Year (1948), no. 100, 343rd meeting, pp. 4-7.
3. James G. McDonald, *My Mission in Israel 1948-1951* (London: Victor Gollancz Ltd., 1951), p. 50.
4. *Ha-Boqer,* Aug. 6, 1948.
5. *Davar,* Aug. 2, 5, Sept. 14, 1948.
6. *Ha-Arez,* Aug. 3, 6, 1948.
7. U.N. G.A. OR (3rd session) Supp. no. 11 (doc. A/648) pp. 17-18.
8. McDonald, *op. cit.,* pp. 49-50.
9. *Ibid.,* p. 77.
10. U.N. G.A. OR, First Committee (3rd session, Part I) Summary Records, p. 646.
11. U.N. G.A. OR, Plenary Meetings (3rd session, Part I) Annexes, p. 534.
12. U.N. G.A. Resolution 194 (III/1) para. 11, December 11, 1948.
13. McDonald, *op. cit.,* p. 153; U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 1-2 (doc. A/819).
14. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 3-5 (doc. A/838); U.N. G.A. OR (5th session) Supp. no. 18, *General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine* (doc. A/1367/Rev. 1) pp. 12-13.
15. McDonald, *op. cit.,* pp. 163-164.
16. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* p. 13.
17. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 5-9 (doc. A/927); U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* pp. 13-14.
18. Walter Eytan, Director-General of the Israel Ministry of Foreign Affairs and head of the Israeli delegation at Lausanne.
19. McDonald, *op. cit.,* pp. 165-68; Ha-Arez, June 5, 6, 10, 13, 1949.
20. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* p. 14; U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 9-14 (doc. A/992).
21. *Ha-Arez,* June 8, 16, 1949.
22. *Ha-Boqer,* June 6, 12, 30, 1949.
23. *Ha-Zofeh,* June 20, 1949.
24. *Davar,* June 20, 1949.
25. For the remarks of Kneset members on this subject, see the Israel Parliament Records (*Divrei ha-Kneset*). In the order of members whose names and parties are mentioned in the foregoing paragraphs, the citations are as follows: Bernstein, Vol. II (Aug. 1, 1949) pp. 1214-15; Saphir, pp. 1201-02; Begin, Vol. I (June 15, 1949) pp. 725-28; Friedman-Yellin, pp. 744-45, Vol. II, pp. 1217-18; Riftin, Vol. I, pp. 724-25; Wilner, Vol. II, pp. 1205-06; Mikunis, Vol. I, pp. 736-37; Harari, p. 731; Cohen, pp. 745-46; Nurok, p. 748; Goldrat, Vol. II, pp. 1220-21; Argov, pp. 1208-10; Aranhe, pp. 1218-20; Dayan, p. 1223; Mapam members, Vol. I, pp. 749-51, Vol. II, pp. 1197-99, 1210-13; Communists, Vol. I, pp. 736-37; Mikunis, Vol. II, 1205-06; Meridor, pp. 1199-1201; Ben Eliezer, pp. 1206-08; Bernstein, pp. 1214-15; Harari, Vol. I, p. 731; Mazur, Vol. II, p. 1210; Nurok, Vol. I, p. 748; Mapai members, pp. 728, 735, Vol. II, pp. 1202-04; Kesseh, Vol. II, pp. 1222-23; Aranhe, pp. 1218-20; Zu'abi, Vol.

I, pp. 751-52; Jarjurah, pp. 752-54; Sharett, pp. 719-22; Vol. II, pp. 1224-26, 1195-96 and Vol. I, p. 721.

26. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 9-14 (doc. A/992); U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.*, p. 16.

27. This figure included fifty male adults, 347 women and 830 children. *Ha-Arez,* Mar. 3, 1950.

28. *Davar,* July 10, 1949.

29. *Ha-Arez,* July 11, 1949.

30. *Ha-Boqer,* July 11, 1949.

31. *Qol ha-'Am,* Aug. 2, 1949.

32. *'Al ha-Mishmar,* July 7, 1949.

33. *Ha-Zofeh,* July 10, 1949.

34. *Herut* July 7, 10, 1949.

35. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Annex, Vol. II, pp. 9-14 (doc. A/992); U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.*, p. 16.

36. *Ha-Arez,* July 29, Aug. 28, 1949.

37. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.*, p. 25.

38. *Ha-Arez,* July 24, Aug. 13, 1952.

39. Statement by Ambassador Michael Comay before the UN Special Political Committee, Feb. 19, 1957.

40. *Ha-Arez,* Aug. 13, 1952.

41. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session) Summary Records, p. 323.

42. Personal interviews with Arab and Jewish Kneset members, January, 1954.

CHAPTER IV

The Shift to an Economic Solution

FOLLOWING the Beirut Conference, the CCP concluded that in the long run, the refugee problem could be solved "within the framework of the economic and social rehabilitation of all the countries in the Near East."[1] In June the Commission established its Technical Committee on Refugees to examine the situation. The CCP instructed the Technical Committee to ascertain "the number of refugees, their place of origin, their previous occupation, their means of subsistance, etc." The new committee was to assemble technical information based on previous studies of the Middle East which would be useful in determining the practical possibilities of repatriation, resettlement, and rehabilitation of the refugees. It was requested to submit recommendations for practicable projects to provide immediate work relief for the refugees under the auspices of the states concerned.

Israel informed the Technical Committee that its national plans envisaged the "creation and expansion of a highly developed, modern and progressive economic entity" based on agriculture. It was to be "complemented by all attributes of modern economy" including industrial, commercial and financial activities. The success already achieved was "in no mean measure due to the homogeneity of the Jewish population which is responsible for a sociological structure quite unique in the Middle East." It lacked "the sharp contrast between the rich and the poor so usual in this part of the world." Since the inception of the Arab refugee problem, the Jewish population had doubled. Many newcomers were housed in abandoned Arab towns and villages. With immigration continuing at an average rate of 800 daily, it was clear that the individual return of Arabs to their former homes would be impossible. The whole Arab economic system was gone and could not be restored. The Arab middle class, such as shopkeepers, tradesmen, and free professionals, could no longer return—their houses and jobs were gone. "Their previous means of livelihood have vanished with the disintegration of their economic organization. Instead, an entirely different kind of progressive agriculture as well

as urban and industrial economy has made its appearance in the same area."[2]

The Israel Government told the Technical Committee that repatriated Arab refugees would be treated like new immigrants and absorbed into the country's planned economy. They would be resettled and employed in conformity with Israel's economic needs. Refugee resettlement would have to be a matter of "group re-establishment" and not of individual or family repatriation. The Commission felt that, since this solution was so different from the traditional Arab way of life, it would be necessary to establish an international body "charged with the protection of the Arab minority in Israel."[3]

The Technical Committee warned that separation of many Arab farmers, whose homes were on the other side of the Israel-Jordan Armistice line—mainly in Samaria and Ramallah—from their fields which were under Israel control, would create serious problems. It advised that efforts be made to repatriate or re-establish displaced Arab refugees who fled from those areas after Israel and her neighbors signed armistice agreements. These "economic refugees" later became the primary cause of Israel's infiltration problem, a running sore which frequently brought relations with the Arab States to an explosion point, and constituted a main issue confronting the United Nations Truce Supervision Organization.

The Technical Committee reached the following conclusions concerning problems of resettlement and repatriation: Its statistical expert's estimate of the total number of refugees (711,000) was the most accurate which could be made under the circumstances. It recommended establishment of a small special staff to make more complete the information already existing concerning refugees' place of origin, occupation, and the like. An international body to deal with repatriation of refugees was necessary. It should be a unit of a larger organization to administer both repatriation and resettlement. The Committee stressed that refugee resettlement would require the approval of the governments concerned, the development of feasible plans, local contributions, and international financial assistance and other elements which would take a considerable period of time to prepare carefully. It suggested a double approach to the problem: immediate action, and the development of a long range program. It recommended that a team of irrigation, agricultural and sanitary experts be dispatched im-

mediately to the Middle East, and it felt that it was essential to take all possible action to give displaced persons living along the border "free access to their lands."[4]

During this period the CCP continued its negotiations at Lausanne and in August submitted to the Israel and Arab delegations a memorandum inquiring whether they were prepared to sign a declaration containing the following provisions:

(a) The solution of the refugee problem should be sought in repatriation in Israel and resettlement in the Arab countries. Repatriated Arabs would automatically become Israel citizens. They would be free from all discrimination. Repatriation and resettlement would receive international technical and financial assistance.

(b) All parties would undertake every possible measure to implement any solutions proposed by an Economic Mission which would be charged by the United Nations with the establishment of major works projects in the Middle East. Their purpose would be to facilitate repatriation, resettlement, and economic and social rehabilitation of the Arab refugees.

(c) Both sides would specify that their agreement did not prejudice territorial rights in a final settlement.

(d) Funds for emergency aid to the refugees would have to be renewed until technical and financial support was received from the United Nations.

Finally, the CCP asked the delegations to present a provisional estimate of the approximate number of refugees which their respective governments would be ready to accept.

The Syrian and Jordanian delegations stated that their governments would be willing to receive, in the light of the Mission's recommendations, refugees who might not return to their homes. The Egyptians and Lebanese declared that land shortages and the dense populations of their countries would complicate the resettlement of many refugees within their boundaries. All the Arabs agreed to recommend support for the work of the Economic Mission.

The Israelis agreed to sign a declaration along the lines suggested by the Commission, subject to the following reservations: The solution to the problem was to be sought primarily in resettlement in Arab territories. Although the Government would facilitate the work of the Economic Mission, it could not commit itself in advance to any solutions which might be proposed. Repatriation to Israel would have to be subject to international financial

assistance and be extended to include resettlement of Jewish refugees from Arab-controlled areas of Palestine. The Israel delegation reiterated its previous offer to repatriate 100,000 Arabs as part of an overall settlement of the Palestine problem.[5]

The Clapp Mission

Encouraged by these replies, the CCP decided to establish the Economic Survey Mission for the Middle East. The proposed Mission would be a neutral body created to absorb the active political energy of both sides and channel it into mutually constructive enterprises. Now there was hope that the new "economic approach" to the refugee issue—the largest stumbling block to solution of the Palestine question—would end the stalemate at Lausanne. The projects set up by the Mission would gradually absorb the refugees, and thereby clear the environment of the element most disturbing to the success of the CCP. They were also intended to assist rehabilitation of the whole area.

When the Technical Committee on Refugees was dissolved, its members were assigned to the Economic Survey Mission under the chairmanship of Gordon R. Clapp of the United States. He was assisted by three Deputy Chairmen nominated by the United Kingdom, France and Turkey. The task of the Mission was to examine the economic situation in all countries affected by the Palestine war and to make recommendations to the CCP for an integrated development program. This would enable the governments concerned to undertake projects intended to readjust the dislocations created by the war. The Mission was also to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees, in order to reintegrate them into the economic life of the area on a self-sustaining basis within a minimum period of time. Finally, it was to promote economic conditions conducive to the maintenance of peace and stability in the area.[6]

In Israel appointment of the mission was welcomed, although with scepticism, by press organs which generally backed the government's foreign policy. The new approach was more realistic than one inspired by American pressure, according to *Ha-Arez*.[7] Nevertheless, the public was not likely to be enthusiastic about another inquiry into the Palestine problem. "We have already had more than enough inquiry commissions."

Although Israel's cooperation was promised, there would be no advance commitment to the Mission's recommendations, and there would be no compromise on national sovereignty or security.

The purpose of the Mission was only to make recommendations, not to implement decisions.

Above all the Mission would have to keep in mind that Israel would not alter its position on the refugee question, namely, that resettlement in the Arab countries was the only feasible solution. Israel's ability to absorb the Arab refugees could not be determined by economic factors alone. More important were security considerations which no United Nations mission was in a position to investigate.

The Mission would have an excellent opportunity to dispel the Arab-British myth of Middle East economic limitations, *Ha-Boqer*[8] advised. The area, with resources equal to those of Europe, was occupied by only 40 million people compared to Europe's 395 million. The reason for underdevelopment was not shortage of land, but lack of skilled and industrious workers such as only Israel could provide. *Davar*[9] believed that the mission could do much to overcome the area's economic shortcomings, but warned that it could not be used as "a means of destroying Israel's sovereignty or endangering its development."

The left and right wing opposition press opened a jingoistic campaign against the Mission. Both Mapam's *'Al ha-Mishmar*[10] and the Communist *Qol ha-'Am*[11] called its members tools of "Western imperialism." Because the Mission had no representatives from the People's Democratic Republics, it was obviously a "one-sided," American-controlled device to spy out Israel's economic and military strength. According to *Qol ha-'Am* it was established as part of a plan to extend American influence in backward areas under the guise of developing them.

The nationalist *Herut*[12] flew into a rage at the Israel Government for accepting a British member of the Mission. This would merely facilitate Great Britain's return to a position in the area from which it could pursue its "nefarious" aims.

Before concluding its interim report to the CCP on November 6, 1949, the Mission visited all areas where there were substantial numbers of refugees. Late in December the CCP transmitted the report to the Secretary General of the United Nations for communication to the General Assembly.

Clapp's recommendations and report completely skirted the political and psychological aspects of repatriation and resettlement. They were largely technical and concerned specific areas in which the Mission believed there existed possibility of carrying out development projects. The suggestions impinged upon the

area of functions carried out by the United Nations Relief for Palestine Refugees (UNRPR). The Mission recommended curtailment of United Nations relief operations and their gradual replacement by a program of public works calculated to improve the productivity of the area through absorption of unemployed refugees. It suggested that on or after April 1, 1950, an agency be established to direct the proposed programs of relief and public works. The agency should have full autonomy and authority to make decisions within the sphere entrusted to it, including selection of its subordinate staff and the administration of its funds.

The Clapp report was the subject of all-around condemnation in Israel. Even newspapers which had backed establishment of the Mission, fell upon its recommendations with bitter criticism. *Ha-Arez*[13] believed that the recommendations made little contribution to a solution of the refugee problem and was concerned lest they aggravate the situation. *Davar, Ha-Boqer,* and *Ha-Zofeh* warned that the final report would merely encourage Arab intransigence and make it possible for a few powerful Arab *'effendis'* to enrich themselves.[14] All were disappointed because the Mission had failed to emphasize resettlement of the Arab refugees as the only feasible solution to the problem.

The opposition press gave vent to an "I told you so" attitude. *'Al ha-Mishmar* and *Qol ha-'Am* reminded their readers of previous warnings about the imperialistic motives of the Mission.[15] It was now clear that the survey had been conducted merely to extort concessions from Israel which the United States had failed to procure at Lausanne. According to the Mapam daily, the only solution was to mobilize the Jewish people throughout the world in an attempt to reach the downtrodden Arab masses.

Late in the summer of 1949, political pressures continued to come into play despite the CCP's shift from a political to an economic way out of the refugee dilemma. The Department of State, sponsor of the new economic approach, was anxious about its success. It feared the growing intransigence of the Arab and the Jewish delegations on the fundamental issues of the Palestine question. The new approach, based on the Clapp Report, inevitably required a change in emphasis from repatriation to resettlement of the refugees in the Arab States. The shift would move the ground from under the Arab position that there could be no peace settlement without repatriation. That was a *sine qua non* of any Arab agreement. If there was to be even the smallest token of approval for the new approach by the Arabs, a very large *quid*

pro quo would have to be demanded from Israel. Then the largest possible concession was a definite Israeli commitment to take back a specific number of refugees. Israel had not yet closed the door completely on repatriation. It still thought in terms of negotiation on the question within the framework of a general settlement of the refugee question at a peace conference. The issue was not one of "repatriation or no repatriation," but which was to come first, peace negotiations or a refugee return. The State Department regarded Israel's position on this issue as a pedantic quibble, easily capable of upsetting the whole cartful of issues which had been brought to Lausanne.

Before the Fourth General Assembly meetings began, unofficial rumors leaked to the press about the new "McGhee plan"[16] for rehabilitating the whole Middle East. Simultaneously the Department began to prod Israel. One of the two antagonists would have to start breaking up the jammed negotiations at Lausanne. It was argued that Israel would not have to change its basic position, but merely modify it slightly. Then great things might be expected from the Arabs. Their acceptance of the "McGhee plan" was all but assured if Israel would merely agree to repatriate 100,000 refugees immediately, instead of after a peace settlement. A new "package plan" of proposals was offered to Israel in the back rooms and corridors of Lausanne. If Israel would take a number of refugees and surrender Galilee and the southern Negeb in exchange for the Gaza strip, it was believed that the Arabs could be induced to accept the "McGhee plan." It would absorb the great bulk of refugees and remove the main obstacle to peace. In Washington, President Truman was persuaded to put moderate and friendly, but unofficial, pressure on Israel. At a White House press conference, he urged Israel to take back a "certain number" of refugees. In Lausanne Israel was warned that if she did not give ground, the whole business would be brought to the next session of the United Nations, and then there was no telling what would happen.

The leader of the Israel Delegation, Reuven Shiloah, warned that such "untoward pressure" was likely to embitter the Israeli public against the United Nations and against the United States. Indeed, at home the barometer of public opinion definitely did show danger signs. All the press was angered by the pressure being brought to bear upon the Israel delegation at Lausanne. *Ha-Arez* expressed the most moderate reaction. It insisted that while boundaries remained unfixed there could be no settlement of the

refugee question. How could it be determined who was and who was not a refugee if there were no definite borders?[17]

Linking Territorial and Refugee Questions

It soon became apparent at Lausanne that the immediate problem facing the Commission was to link negotiations on the refugee problem with those on territorial matters. Arab insistence on priority for the refugee question, combined with Israel's unswerving preference for general discussions including the issue of boundaries, continued to make a solution of any of the fundamental problems impossible. In May 1949, the CCP asked Israel and the Arab States to sign separately with the Commission a protocol which would constitute the basis of territorial negotiations. A map was attached to this document, known as the Lausanne or Geneva Protocol of May 12, to be used as a basis for discussions with the Commission. The boundaries defined in the General Assembly's partition Resolution 181 (II) of November 29, 1947 were outlined. The Commission now requested both parties to state specifically the territorial adjustments they wished to make on the attached map.

When signing the document the Israel representative made it clear that "his delegation was ready to fall in with the Commission's proposal on the understanding that this readiness in no way prejudiced the right of his delegation to express itself freely on matters at issue. . . ."[18]

The CCP's Chairman interpreted this to mean simply that Israel "reserved its right to reject certain parts of the boundaries set out in the partition plan and to propose others, but that the partition plan would be adhered to as a point from which to work." According to the Chairman, the Israel delegate confirmed his interpretation.

The Israelis demanded, in addition to the territory on the map, all other areas under their control and jurisdiction within the terms of the armistice agreements concluded with Egypt, Lebanon, Syria and the Hashemite Kingdom of Jordan. They asserted that only such a territorial adjustment "falls equally in its effects on the rights and position of each negotiating party, makes no encroachment upon existing sovereignties, and preserves the juridical status and actual stability achieved by the existing agreements."[19]

The Arab delegations claimed all the territories Israel held which had been allotted to the still-born Arab state by the parti-

tion plan, in addition to the Negeb and Eastern Galilee. Acquisition of this area would "facilitate the resettlement in Palestine of a large number of refugees," they stated.

The Commission considered the replies of both sides inadequate. On September 12, it informed both Israelis and Arabs that "their proposals exceeded the limit of what might be considered 'adjustments' of the map attached to the Protocol." The matter was returned to them for further consideration and re-examination in the hope that they would submit new proposals "as a practical working basis for further negotiations."

Both the Arab and the Israel delegations continued to maintain in their entirety their original territorial demands. In its reply, dated October 27, the Israel government reasserted its claim to the territory under its authority: "Although some of the invading Arab armies still stand on soil of Palestine, Israel is not advancing any further territorial claims. But of the territory now constituting the State of Israel, there can be no cession."[20]

These unyielding positions completely thwarted any attempt to link the territorial and refugee questions. It seemed that the territorial question would have to be completely divorced from problems of repatriation and resettlement. This conclusion only helped to reinforce the new change in policy which discarded political approaches to negotiations and fostered hopes for an economic solution to the Palestine problem.

Failure of CCP Attempts to Mediate

The Arab delegations at Lausanne requested a change in the Commission's approach after the failure to settle territorial questions. They believed that the method of negotiations which had hitherto been followed, in which the CCP simply transmitted proposals of one side to the other, produced few practical results. Now they strongly urged the Commission to present its own proposals for a Palestine solution. But they still refused to enter into direct negotiations with Israel.

The Israel delegation affirmed that Arab refusal to meet with them around a conference table, under the Commission's auspices, made continuation of conciliation efforts fruitless and might even render them "harmful." By assuming mediatory functions, the Commission would call into question "the whole method of conciliation hitherto followed, and the terms of reference of the Commission itself," the Israelis feared.[21]

The Commission replied that it had always favored direct

parleys between Israel and the Arab states, but that the Arabs had persisted in their desire to continue negotiations through the CCP. Power to submit concrete proposals to the parties was specifically granted to the CCP by the terms of the General Assembly resolution, which instructed the Commission to assume, in so far as it considered necessary, the functions of the United Nations Mediator for Palestine.[22]

But Israel continued the debate over the CCP's mediatory functions. Before launching any long-term plan of conciliation, Israel preferred to await the outcome of the General Assembly's discussions to determine the future functions of the CCP.

The Commission stood its ground. After reconvening the meetings at Geneva on January 16, 1950, its new American Chairman, Ely Palmer, asserted that it remained the organ "seized with the final settlement of all questions outstanding between the parties." He specifically mentioned the problems of returning refugees to their homes and compensating them fairly.

Palmer still desired to establish direct contact between the parties. This step seemed even more indispensable to effective mediation by the Commission. Finally the CCP held a number of informal meetings, which produced the proposal to form a mixed Arab-Israel committee to consider an Egyptian request on behalf of refugees in the Gaza area for permission to return and cultivate their lands along the frontier in Israel.

The Israelis opposed this overture. They replied that the *modus vivendi* signed by the Egyptian-Israel Mixed Armistice Commission on February 22 represented the greatest compromise they were prepared to make on that matter.[23] The CCP countered that the *modus vivendi* settled only a part of the Egyptian proposal. But the Israel delegation was adamant. It charged that the Egyptian representatives had made no reservations when signing the February agreement; therefore, the Egyptians must share Israel's view that the points in question had been settled. Israel insisted that matters of such a local character be dealt with only in the Mixed Armistice Commissions. But its delegation reiterated the government's desire "to discuss the question of a final peace settlement with any Arab delegation" under the CCP's auspices.

The Egyptian delegation, meanwhile, informed the Commission that it favored formation of a mixed committee only after its proposals had been explicitly and formally accepted by Israel.

The attitudes of both sides convinced the Commission that negotiations between any Arab State and Israel, if confined to iso-

lated subjects, would be impossible. It decided to proceed from the proposed single mixed committee to establishment of a more general procedure. The Commission now offered to organize several mixed committees under the Chairmanship of a CCP representative. This would, it believed, reconcile the Arab desire for mediation with the Jewish request for direct negotiations by, on one hand, CCP selection of subjects for discussion, and on the other, their presentation in the mixed committees.

The Foreign Minister of Egypt declared on behalf of the Arab States that they would be prepared to sit together with Israel and discuss the plan, if the Commission succeeded in persuading Israel to accept the provisions of General Assembly Resolution 194 (III) in connection with the refugees.

Foreign Minister Moshe Sharett again told the CCP that his country would "negotiate a peace settlement with the Arab States directly—either with or without the participation of the Conciliation Commission" and "that the Government of Israel reaffirmed categorically its willingness to negotiate with any State which announced its readiness to conclude a final settlement. . . ."

The Commission attempted further to explain its proposals. But the Arab States continued to insist that the refugee question was basic and that they considered all other aspects of the Palestine problem as only "related questions."

Although the Commission pointed out that all principles of Resolution 194 (III) "must be respected and one of them cannot be singled out for special recognition without impairing the equilibrium of Resolution 194 (III) as a whole,"[24] neither side would retreat from its original stand.

In such an uncompromising atmosphere, the CCP felt that further exchanges of notes would serve no useful purpose, and it discarded the whole plan in September 1950. The two greatest obstacles to progress were Arab insistence on repatriating the refugees and Israel's refusal to negotiate in mixed committees unless as part of a "final settlement." The only sign of hope was the CCP's impression that:

> these [Arab] governments are inclining more and more to the view that the problem cannot be fully solved by the return of the refugees to their homes; and that consequently the settlement, either temporary or permanent, of a considerable number of refugees in the Arab countries must also be contemplated, in order to achieve a complete and final solution of the problem.[25]

Refugee Discussions at the Fourth and Fifth United Nations General Assemblies

The recommendations of CCP's Economic Survey Mission were adopted at the Fourth General Assembly during 1949-1950 in a joint resolution submitted by the United States, the United Kingdom, France and Turkey which proposed to establish a United Nations Relief and Works Agency (UNRWA) to seek an economic solution of the refugee problem.[26]

Although the Clapp findings were criticized on the home front, the Israel delegation to the United Nations described them as a "modest but significant" contribution aimed at a solution of the refugee question by cooperative measures. In its vote for the resolution establishing UNRWA, the Israel delegation withheld support from an Egyptian amendment which affirmed paragraph 11 of Resolution 194 (III) recommending repatriation of the Arab refugees. The amendment did not adequately underscore the unity of the whole resolution nor the joint responsibility of all the States in the Middle East for the refugee problem, complained the Israelis.

Ambassador Abba Eban told the Assembly that the refugee problem had a dual aspect: the aspirations of the refugees and the vital interests of the states concerned. Although economic restrictions severely militated against a refugee return, they were of secondary importance compared to the primary aspect of security. He feared that a mass return of refugees before peace would be "tantamount . . . to the destruction of the State of Israel." His government offered to compromise by incorporating the Gaza strip and its large Arab population into Israel. According to Eban, "removal of this strategic danger would offset the risk resulting from the entry into Israel of a large number of refugees."[27]

After the Fourth General Assembly, the main burden of the refugee problem was shifted to UNRWA which maintained a scrupulous policy of detachment from all political matters. There were no changes in political aspects of the refugee problem between the Fourth and Fifth sessions of the General Assembly. The States concerned persistently refused to alter their positions.

The life of the CCP was extended at the Fifth General Assembly, but its failures were not overlooked. A new resolution noted with concern "that the repatriation, resettlement, economic and social rehabilitation of the refugees and payment of compensation have not been effected. . . ." It directed the CCP to estab-

lish a refugee office, for the primary purpose of dealing with problems of compensation, but also to "work out such arrangements as may be practicable for implementation of the other objectives of paragraph 11 of [Resolution 194 (III)]." The Assembly called upon the governments concerned to take measures assuring that the refugees, whether repatriated or resettled, would be treated without any discrimination "either in law or in fact."[28]

A companion resolution facilitated a deeper penetration into the area of resettlement through establishment of a $30 million reintegration fund. It was to be used for "permanent re-establishment of refugees and their removal from relief" to projects requested by any Near East Government and approved by UNRWA. The resolution, "without prejudice to the provisions of paragraph 11 of Resolution 194 (III)" considered "that repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available."[29]

Israel continued to stress that its fears of an Arab fifth column prevented refugee return before peace. Ambassador Eban again blamed Arab refusal to negotiate peace with Israel for continuation of the refugee tragedy. He reiterated Israel's willingness to give priority to the problem within the framework of peace negotiations. The Israelis, the refugees and the Near East as a whole would benefit more if they were resettled among populations with which they had social, cultural, linguistic, and religious affinities.[30] Three years had elapsed since the end of the war, and the possibility of re-establishing pre-war conditions had gradually diminished, Eban said.

NOTES

1. U.N. G.A. OR (5th Session) Supp. no. 18, *op. cit.*, p. 13.
2. *Ibid.*, p. 26, "quoted from pages 1-2 of the 'Memorandum on principles guiding the resettlement of Arab refugees, July 28, 1949,' submitted to the Technical Committee by Mr. G. Meron, Economic Division, Israel Ministry for Foreign Affairs."
3. *Ibid.*, p. 26.
4. *Ibid.*, pp. 27-28.
5. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th Session) Annex, Vol. II, pp. 9-14 (doc. A/992); U.N. G.A. OR (5th Session) Supp. no. 18, *op. cit.*, pp. 14-15.
6. CCP, *Final Report of the United Nations Economic Survey Mission for the Middle East,* Vol. I, p. 30.
7. *Ha-Arez,* Aug. 26, 1949.
8. *Ha-Boqer,* Aug. 26, 1949.
9. *Davar,* Aug. 26, 1949.
10. *'Al ha-Mishmar,* Aug. 29, 1949.
11. *Qol ha-'Am,* Aug. 26, 1949.
12. *Herut,* Sept. 5, 1949.
13. *Ha-Arez,* Nov. 20, 1949.
14. *Davar,* Jan. 11, 1950; *Ha-Boqer,* Dec. 5, 1949; *Ha-Zofeh,* Dec. 2, 1949.

15. *'Al ha-Mishmar,* Jan. 12, 1950; *Qol ha-'Am,* Oct. 10, Nov. 10, 1949.

16. George C. McGhee was then Assistant Secretary of State for Near Eastern, African and South Asian Affairs.

17. *Ha-Arez,* Aug. 12, 14, 16, 21, 24, 25, 26, 1949; *Ha-Boqer, Davar,* Aug. 14-31, Sept. 1-30, 1949, *passim.*

18. U.N. G.A. OR (5th Session) Supp. no. 18, *op. cit.,* p. 20.

19. As cited by CCP, *idem;* the Commission replied that any reference to the armistice agreements in connection with the final settlement of territorial questions should be considered in the light of the texts of the agreements which contained clauses stating that the armistice demarcation lines were not to be considered as political or territorial boundaries and were "delineated without prejudice to rights, claims and positions of either party to the armistice as regards ultimate settlement. . . ."

20. As cited in U.N. G.A. OR (5th Session) Supp. no. 18, *op. cit.,* p. 20.

21. *Ibid.,* pp. 5-8.

22. U.N. G.A. Resolution 194 (III), para. 2. (a) authorized the CCP: "To assume, in so far as it considers necessary in the existing circumstances, functions given to the United Nations Mediator on Palestine by resolution of the General Assembly of 14 April, 1948."

23. U.N. G.A. OR (5th Session) Annexes, Vol. I, Agenda, Item 20, p. 15, Appendix I: On February 23, 1950 the CCP proposed to Egypt and to Israel the formation of a mixed committee to study the problem of the Gaza refugees. It suggested that former inhabitants of no-mans-land be permitted to cultivate their lands in that area, that the Gaza hinterland be cultivated, and that Arab refugees from Beersheba be permitted to return to their homes.

In a letter to the CCP from Gideon Raphael of the Israel delegation he told of the settlement between Egypt and Israel which he claimed had been reached on February 22. He claimed that according to the agreement the Neutral zone was to be divided, the original inhabitants of the Egyptian zone were to be permitted to return, that the villagers of Abasan and Ikhza'a would be permitted to cultivate their lands in Israel. The Commission suggested that a joint committee be established to settle these matters to which Israel answered that they could be settled in the Mixed Armistice Commissions.

24. *Ibid.,* p. 8.

25. *Ibid.,* p. 18.

26. U.N. G.A. Resolution 302 (IV).

27. U.N. G.A. OR *Ad Hoc* Pol. Comm. (4th Session) Summary Records, pp. 322-23.

28. U.N. G.A. Resolution 394 (V).

29. U.N. G. A. Resolution 393 (V).

30. U.N. G.A. OR *Ad Hoc* Pol. Comm. (5th Session) Summary Records, pp. 213-14.

CHAPTER V

The Failure of Repatriation Attempts

Israel's New "Two-Way Population Movement" Argument

A NEW ISRAELI line clearly began to emerge during the Fifth General Assembly debates on the refugee question. Until now the Israelis had been willing to consider repatriation within the framework of peace talks. But during the Fifth General Assembly Foreign Minister Sharett declared the solution "illusory and chimerical." To accept it would be "suicide." There was no longer a vacuum to be filled. To advocate return of the refugees to homes which no longer existed was false humanitarianism. It was a gigantic task which Israel could not undertake while already shouldering the full burden of Jewish immigration. Sharett officially proposed an Arab-Jewish exchange of populations. Palestine, he asserted, was not the only country where such vast changes had occurred. He drew parallels with the mass migration of populations which had occurred after World War I in Greece, Bulgaria and Turkey; after World War II from Poland and Czechoslovakia into Germany; and more recently, between India and Pakistan. Never had there been any attempt to restore previous conditions. Why should such an attempt be made in Palestine?[1] In effect a two-way population movement, confuting the whole concept of repatriation, had taken place.

Israel had discarded the repatriation issue, Sharett announced in a Kneset foreign policy debate. Up to this time the strongest weapon in the hands of the Arabs was Resolution 194 (III) regarding the right of the refugees to return, the Foreign Minister declared. With this resolution they had tried to separate the refugee problem from peace. They had failed, however, because the United Nations had kept the two issues together. "We have therefore upset the Arab plans to kill two birds with one stone; to shirk the burden of refugees which they have created, and to destroy the State of Israel."

Sharett pointed out that there was only indirect reference to a refugee return at the Fifth General Assembly, whereas the 1948 resolution specifically reaffirmed Arab repatriation rights. Imple-

mentation of the General Assembly's 1948 instructions now depended upon practicable possibilities.

The Foreign Minister insisted that Israel had not retreated from its position on repatriation. By rejecting Israel's offer to repatriate a limited number of refugees, the Arab States caused the whole offer to collapse. The concession was originally proposed to test Arab reaction, which was found to be completely negative. Therefore the offer was withdrawn. Retraction of the proposal was included in its offer. It was not absolute but dependent upon fulfillment of a series of conditions. Israel's firm stand on the issue, according to the Foreign Minister, produced a change in the United Nations attitude which, after recognizing the failure of partial repatriation, abandoned support for a total return of Arab refugees. Israel's proposal to repatriate 100,000 refugees, although never implemented, nevertheless had fulfilled its purpose.

Sharett added that Israel continued to be interested in the refugee problem, and he warned all Kneset members not to ignore it. "It exists and oppresses us . . . we are vitally interested in its early solution. . . ."[2]

There was little Kneset criticism of the government's line. Peretz Bernstein,[3] leader of the General Zionist opposition, even acknowledged that he saw progress on the refugee question. "At last we have found the courage to say that the return of the refugees is impossible," he proclaimed.

The only open criticism came from two quarters. Shmuel Katz[4] of Herut took the opportunity to condemn Sharett "for running after peace treaties with the Arab States." The storm of public opinion against the government's offer to repatriate 100,000 Arabs was responsible for its retraction. But even now, Katz complained, there was no definite rejection of Israel's responsibility for the refugee problem.

Arab Kneset member Amin Jarjurah,[5] of the Mapai-backed Nazareth Democratic List, saw the refugee problem as the main obstacle to peace. He regretted that the only key to real peace—a solution of the refugee problem—would be pending for several years. He predicted the two sides would draw farther apart and their difficulties would become ever greater, if Israel displayed severity in dealing with return of refugees. An inflexible policy would obstruct a solution of Arab-Jewish problems. The first appropriate step should be a wider reunion of families separated by the war. All Arab women had not yet come home, and he saw no reason why husbands should be separated from their families, or

sons over fifteen years old from their parents in Israel. In his opinion, if more progress were made toward reuniting families, then the door would close on infiltration across Israel's borders.

Middle East Defense—The CCP's Paris Proposals

The failure of the United Nations to deal adequately with the Palestine question seemed to forebode an uphill road to the creation of a Middle East defense structure, planning for which was begun in the spring of 1950. Renewal of Arab-Israel hostilities had to be prevented at all costs. The United States, therefore, decided to supplement United Nations activity. This country, Great Britain and France issued a declaration on May 25, 1950, warning the Arab States and Israel that frontier violations by either side would not be tolerated. The statement also promised to authorize both parties the right to purchase arms, for the dual purpose of assuring internal security and legitimate self-defense and permitting them to play their part in the defense of the area as a whole.[6]

This was a first sign of the future Middle East Command proposal. Formal negotiations including offers of economic and technical, as well as military, aid, were still nearly a year and a half away. In the meantime the United States channeled its economic assistance to the area through UNRWA and the Technical Cooperation Administration.

The foundation stone of a military organization for Middle East defense was laid when Turkey was admitted to the North Atlantic Treaty Organization in September 1951. An attempt to extend the NATO concept to the rest of the area failed when the Egyptian government turned down the proposal of the Allied powers for a Middle East Command. A basis for the Command, nevertheless, was included in the Mutual Security Act, signed by President Truman on October 10, 1951. The act authorized the appropriation of $369 million for military assistance to Greece, Turkey, and Iran, but it permitted the President to allocate up to 10 per cent of this sum to Israel and the Arab countries, if he determined the need for such action.[7]

While these negotiations were going on, the repatriation issue was again resuscitated as a *quid pro quo* from Israel in exchange for concessions from the Arab States. The Arab refugees were an ever growing irritant to American policy makers, especially since plans were burgeoning to bring the Middle East directly into the global strategy of the "Free World" coalition. The area was considered one of the vulnerable spots along the Soviet periphery,

and Arab-Israel antagonisms were sapping what little strength, if any, existed south of Turkey. The United Nations had categorically asserted that the refugee problem was the greatest obstacle to settlement of the Palestine conflict. It seemed that before any headway could be made in building security in the area, the refugee problem would have to be eliminated.

The task of assuaging the Palestine friction was left to the United Nations, which now developed a functional approach. Although it chose refugee compensation as its first challenge,[8] repatriation was not yet stricken from the agenda as a partial solution of the problem.

The Commission decided to use its mediatory powers and to invite the Israel and Arab governments to discuss a five-point plan which it submitted to them at Paris in September 1951. The second of the Commission's five proposals urged Israel to accept "repatriation of a specified number of Arab refugees in categories which can be integrated into the economy of the State of Israel and who wish to return and live in peace with their neighbors."[9]

However, the Commission emphasized that the Palestine problem had to be considered in its entirety. A solution should be sought in a fair and realistic spirit of give-and-take. No question of priority of discussion should arise to hamper the negotiations. The new proposals "constituted a comprehensive pattern, all parts of which should be freely discussed."[10]

The great difficulty of co-ordinating refugee desires with practical possibilities of any proposed solution was stressed. The concrete conditions of repatriation and resettlement would undoubtedly influence refugee wishes. They in turn would determine the extent of repatriation. When the General Assembly first resolved in 1948 to repatriate the refugees, their homes and land were for the most part still intact and unoccupied. All that would have been required then for a return would have been a little financial assistance from the international community. But the Arabs did not return for reasons beyond the Commission's control, and the attitudes of the parties continued to produce a complete deadlock over the refugee issue.

Since 1948 the physical conditions had changed. The Commission explained that the areas from which the refugees had fled were no longer vacant and any return would have to be carefully worked out and executed with Israel's active cooperation. It believed that two conditions were indispensible for implementation of a repatriation plan: Israel should be supplied with definite fig-

ures so that it could integrate the plans into its own economy; and returning refugees should have full knowledge of the actual conditions under which they would be repatriated.

The CCP offered to discuss with Israel methods for determining the number of refugees which could be repatriated. It stressed that its proposals could only succeed if both parties, keeping the best interests of the refugees in mind, were willing to depart from their original positions and realize that a practicable proposal for repatriation might be interpreted as departing from the strict letter of paragraph 11 of Resolution 194 (III).

Citing political, economic and military security reasons, Israel rejected the Commission's proposal. It was no longer the same country which the Arab population had left during the hostilities. The Arab war against Israel had produced "certain material and psychological consequences which have not disappeared but, on the contrary, have become worse." The majority of the refugees were living in camps or in restricted areas in conditions which were hardly likely to pacify them. Under such circumstances, the possibility of their integration into the national life of Israel was considered unrealistic. Creation of such a large Arab minority would be detrimental to peace and stability in the Middle East. Even the very principle of repatriation was unacceptable as long as the Arab States refused to make peace.

The mass emigration of Jews from Iraq to Israel during this period strengthened the argument for a "two-way population movement" and gave greater force to the case against repatriation.[11] The Israel delegation believed that its government had contributed to the population movements "resulting directly or indirectly from the Arab-Israel war" by absorbing 200,000 Jews from Near Eastern communities.[12]

The Arabs continued their refusal to compromise on repatriation. They accused the CCP of having "lost sight of" paragraph 11 of Resolution 194 (III), since neither it, nor any of the successive resolutions confirming it, contained provisions to restrict the absolute right of the refugees to return to their homes. The Commission's attitude, claimed the Arabs, was "an incitement to the Israelis" to persist in their policy of mass immigration which, "while making the return of the Arab refugees to their homes illusory, intensifies the causes of unrest in the Middle East and creates potential dangers for the Arab States." Jewish immigration, they feared, would cause Israel to expand into the neighboring countries.

Without abandoning its principles, the CCP acknowledged the failure of the Paris peace plan. It felt that the plan could not yet be the basis of peace efforts. Failure to carry out its mandate was attributed to "the present unwillingness of the parties fully to implement the General Assembly resolutions under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years. . . ."[13]

Compensation Substituted for Repatriation

After failure of the Paris conference, the CCP began to devote most of its energies to examination of the compensation problem. Its efforts were spurred on by the apparent revolution in Arab thought which implied an acceptance of the resettlement principle. This induced the Commission to link compensation with resettlement and gradually to withdraw its pressure on Israel to repatriate a large number of refugees.[14]

By agreeing to accept responsibility for compensating the Arab refugees, Israel could deflect the repatriation issue and follow the United Nations' lead in linking compensation payments with plans to integrate the refugees into the Arab world, a solution Israel most desired.

When the Paris proposals were brought to the Kneset, discussion centered almost exclusively on the compensation issue.[15] Foreign Minister Sharett said Israel would assume the obligation, if released "from all other contributions to the solution of the problem, that is to say the question of repatriation must be discarded."

The only dissenting voice was that of Sayf al-din al-Zu'bi of the Mapai-backed Arab Democratic List. Such a step, he asserted, contradicts pledges to "our electors" regarding completion of the plan to reunite Arab families on a large scale. He therefore again demanded the reunion of Arab families on the largest possible scale.[16]

International disappointment in the CCP's failures was reflected in the Sixth General Assembly. It noted with regret that the CCP "has been unable to fulfill its mandate under the resolutions of the General Assembly." A companion resolution provided for continuation of the integration fund and endorsed UNRWA's new program, but "without prejudice to the provisions of paragraph 11 of resolution 194 (III) . . . or . . . paragraph 4 of resolution 393 (V) . . . relative to reintegration either by repatriation or resettlement."[17]

Israel's case against repatriation at the Assembly was based on

the theme of a "two-way population shift." Repatriation was not only unrealistic, "it was unjust and injurious to Israel, to the welfare of the refugees themselves, and to ultimate peace and stability in the area." Half a million Arabs left, and 670,000 Jews entered Israel. Of the latter, 300,000 came from Arab States. This was a migration process which could not be reversed, argued the Israel delegation.

Ambassador Eban defended Jewish immigration against those who urged Israel to save room for the Arab refugees. There was a fundamental difference between the problems of absorbing Jewish refugees and reintegrating the Palestine Arabs in the country. Each Jewish immigrant must be dedicated to the survival and prosperity of his adopted homeland and to its defenses against any future threats to its existence. On the other hand, the Arab refugees were permeated with the bitterness and vindictiveness which characterized the attitude of the Arab States toward Israel. They would not willingly accept the economic sacrifices required to maintain Israel's high standard of immigration, the fulfillment of the state's main purpose. The cultural, linguistic, historic, and religious ties of the refugees were with the Arab States. Their happiness, therefore, "could best be assured by settlement in these lands rather than by forcing [their] . . . integration into an alien scene. Such resettlement in more congenial areas would be tantamount to an act of repatriation."

Israel supported the two Palestine resolutions passed at the Sixth General Assembly. It was, however, dissatisfied with those parts referring to previous General Assembly resolutions which seemed "not simultaneously capable of implementation."[18]

When the Kneset debated Israel's policy at the Sixth General Assembly in February 1952, there was a drift away from any arguments for repatriation. Only Communist Kneset member Meir Wilner[19] demanded the right of "peace-loving Arabs to return to their country." Their plight, he asserted, was due to the "bloodthirsty" British and American plan "to transform them into cannon fodder and cheap labor for an aggressive anti-Soviet war."

A novel approach to repatriation was borrowed from the nationalist Herut party by Izhar Harari[20] of the liberal Progressives. He suggested that Israel link Arab attempts to return to their homes with restoration to the country of areas in Palestine held by Jordan and Egypt. Although Israel was satisfied with its existing borders, it would demand the rest of Palestine if required to accept the return of Arabs who inhabited that territory. "There can

be no claim for the return of refugees without a return of areas." But Israel was prepared to do without both.

The government and its supporters were generally satisfied with the results of the Sixth Assembly, since it emphasized resettlement. The Foreign Minister[21] informed the Kneset that the first United Nations resolution on the Palestine problem which contained no mention of repatriation had been passed. He warned, however, that fact did not eliminate the danger of their return. The second resolution concerning UNRWA could be interpreted to mean that the Arabs still retained their right to return. Its effectiveness depended on how the resolution was implemented. If funds allocated for resettlement were properly used, there would be few refugees to repatriate. In any case, Sharett asserted, Israel would now completely reject the repatriation idea, even as a partial solution of the refugee problem.

David Ha-Cohen,[22] another Mapai leader, assumed that the whole question of repatriation had become a matter of mere words. The idea of absorbing the refugees in Arab countries was becoming increasingly acceptable. Their flight had created a peculiar problem, unprecedented in history. A campaign of explanation was needed because the problem so occupied the world's conscience. Never had the majority of a nation's population left so suddenly and become refugees. In other similar cases, such as India and Pakistan, those who fled were minorities. He urged Israelis to recognize this situation and neither to blind themselves to it, nor to pretend that it did not exist. "We are fighting it," [the refugee problem and its complications] he proclaimed, "with the constructive enterprise of ingathering the Jewish exiles and resettlement of the Arab refugees."

The whole repatriation issue faded away during 1952. The two progress reports of the CCP completely avoided any volatile political matters. They concentrated on the Commission's study of Arab compensation and blocked accounts, but they made no mention of repatriation.[23]

From the Seventh through the Twelfth General Assemblies, between 1952 and 1957, the Arab States renewed their usual demands for complete repatriation as a prerequisite for peace negotiations and Israel answered the Arab arguments with no new interpretation of its own policy. The Assemblies passed resolutions to extend UNRWA's budget but made only passing or indirect reference to repatriation. Their preambles merely recalled references to repatriation in previous resolutions, or noted "that repa-

triation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III), has not been effected. . . ."[24]

Dulles' Visit and Repatriation Proposals

Israel and the Arab world anticipated a change in American Middle East policy when the Eisenhower Administration took office in January 1953. While the Arabs greeted the new administration with optimism, in Israel there was uneasiness about its expected change in approach to the area. The outgoing Democrats were considered sympathetic to Israel. At best, a cold neutrality was expected from the Eisenhower government.

The starting point of the new Secretary of State was an attempt to bring the Middle East into the Western Defense Organization. To help clarify the complex of issues which hampered a successful Middle East policy, Secretary Dulles visited the area in the spring of 1953.

Fears of new concessions from Israel, especially concerning repatriation of Arab refugees, began to appear in the Hebrew press even before the Secretary's arrival. "The citizens of Israel will receive America's Secretary of State . . . with fluttering hearts" and "feelings of gratitude mixed with apprehension," wrote *Ha-Boqer*.[25] It warned that the Arabs would no doubt raise the refugee question in expectation of a new American approach. "The announcement of Mr. Dulles' visit has further raised Arab hopes. The general attitude in this region is one of 'wait and see.' " Similar views were expressed by the right wing *Herut*[26] and the orthodox religious *Ha-Zofeh*.[27] Both warned Mr. Dulles that, in spite of his good intentions, Israel would make no concessions designed to satisfy exaggerated Arab demands.

When he returned to the United States, Secretary Dulles reported his impressions of the Middle East to the American people. After describing the sorrowful plight of the refugee camps, the Secretary concluded that: "Some of these refugees could be settled in the area presently controlled by Israel. Most, however, could more readily be integrated into the lives of the neighboring Arab countries."[28]

Talks between the Israel Ambassador, Abba Eban, and the Department of State followed Mr. Dulles' speech. It was reported that they concentrated on America's official request that Israel announce agreement in principle to repatriate a specific number of refugees.[29]

In Israel reaction was emotional and spontaneous. No quarter

was willing to reopen the repatriation question. Only refugees who were members of Israel Arab families could be absorbed, asserted *Davar*.[30] Others would have to be resettled in Arab countries. *'Al ha-Mishmar*[31] described the Secretary's statement as an American "White Paper" against Israel. It saw the Ben Gurion government's policy of "enslavement to imperialism" as the cause of Israel's international isolation. Mr. Dulles' appeal for a return of refugees was not humanitarian. According to the Mapam organ, it was intended to instigate mutual hatred and suspicions.

Dulles' request for return of refugees "to areas controlled by Israel" indicated surrender of territory beyond the partition borders, warned *Herut*.[32] Repatriation and borders were thus tied together. Israel's agreement to partial return of refugees would amount to territorial sacrifices, it cautioned. Revival of the repatriation issue was connected with the number of attacks on Jewish areas by infiltrators, according to *Ha-Boqer*.[33] The recently increasing "Arab terror" had a political purpose which was to force return of the refugees. Mr. Dulles' solution for the refugee problem was merely a decoy to attract the Arabs into the Middle East Command, in the opinion of *Ha-Zofeh*.[34] Washington friends of the "Arab murderers" would interpret these criminal acts as the desperation of poor refugees and pressure would be applied on Israel to permit return of the "blood-thirsty murderers" in order to pacify them.

Even government circles linked the killings of Jews by infiltrators with the repatriation issue. There had been an increase of attacks on border settlements by infiltrators who "were almost certainly themselves Arab refugees" following the Dulles speech. These outbreaks would underscore the difficulty of permitting any refugees to return. "The refugee element had not proved to be law-abiding," and it is feared that even if a "token" number was admitted it would "only serve to increase a potential 'fifth-column' element within this country."

Return of even a token number of refugees "would only serve to disrupt those who are ready to accept new homes elsewhere." The investigation which would be required to determine who should and should not return would be long and involved and should have a demoralizing effect on all the refugees. Those who remained in the Arab countries "would hear of a higher wage level and higher living standards in Israel." That would increase the friction between Israel and its neighbors.

Increasing Israel's Arab population with refugees who had

close family ties in the Arab States would inevitably lead to more smuggling and infiltration. Accepting demands for the return of refugees would "thus have the opposite effect from that desired, and would, in the long run, only keep conditions on the borders in a state of ferment."[35]

The Dulles statement produced another Kneset debate on Israel's relations with the United States. Foreign Minister Sharett[36] reiterated that only the *status quo* with respect to territory and to population could be the basis of peace between Israel and the neighboring states.

> We see neither a solution nor a contribution to a solution even in partial repatriation. Moreover there is a contradiction between the slogan of repatriation and that of resettlement in the neighboring states. The constant reiteration of the repatriation slogan serves only to obstruct constructive counsels and to militate against any practical scheme of resettling the refugees.

He warned that the creation of such "illusions incapable of fulfillment" would divert the attention of the refugees from the "only prospect they have of starting to build a new life for themselves."

The Foreign Minister pointed out that there were past instances of friction with the United States, but "so far, not only have we emerged unscathed from these clashes . . . we have succeeded in saving from any damage—that most valuable asset—the friendship between Israel and the United States of America."

All parties backed the Foreign Minister with offers of resistance to American pressure for repatriation. The only possible compromise could be to link the demographic and territorial problems. Eliezer Livneh[37] stated in a direct reference to Gaza that

> we should not refuse to consider taking back a certain number of refugees now living in a certain district of Palestine on condition that Israel will henceforth have authority over that district. It is not impossible that such an amalgamation of demographic and territorial factors might considerably limit the scope of the refugee problem and improve Israel's security position.

Livneh was supported by *Ha-Arez*[38] which also urged consideration of limited repatriation on the same basis. However, its editor felt that the change of international political climate towards Israel should cause its citizens to ask themselves "if we still speak

the language of enlightened world opinion, as we did in the era of the late Dr. Chaim Weizmann." It warned that Israel's dependence upon the Great Powers required flexible policies.

When, in 1955, border tensions between Israel and Egypt flared into a number of violent incidents, Secretary of State Dulles again came forward with a major policy statement for the Middle East. In a speech before the Council on Foreign Relations on August 26, 1955, Mr. Dulles touched on the problem of Arab refugee repatriation and resettlement. "To end the plight of the 900,000 refugees requires that these uprooted people should, through resettlement and, to such an extent as may be feasible, repatriation, be enabled to resume a life of dignity and self-respect," he said. Recalling that there were projects for refugee rehabilitation, Mr. Dulles promised favorable consideration of American aid to help in their development. He also promised assistance for Israel to facilitate its payment of compensation to the refugees.[39]

Reaction in Israel to the new Dulles policy statement was as cool as it had been to the Secretary's proposals after his return from the 1953 visit to the Middle East. Several newspapers commented on the compensation proposal and other aspects of the statement.[40] *Ha-Boqer* raised the refugee question *in toto*. In its view the distribution of food and aid were based on a "secret estimate" and any plan for a final solution would be bound to fail with continuation of the "deceptive" Arab policy. Both *La-Merhav,* organ of the newly re-formed *La-Ahdut ha-Avoda* Party, and *Herut* argued that Mr. Dulles had put himself on the side of the Arabs.[41]

The whole question of repatriating the Gaza refugees was thrown open again at the end of 1956 when Israel seized the area from Egypt soon after its attack beginning on October 29. After occupying the Gaza strip and the Sinai penninsula, the Israelis began to undertake measures to incorporate the strip into their own governmental administration. Within the country talk was revived of resettling inside Israel a large number of the Gaza refugees. "If we really wish to preserve Gaza within the confines of the state—and that is vital for Israel's welfare—we must show that we are prepared to pay the price in the form of the resettlement of a number of Arab refugees," *Ha-Arez*[42] commented. The paper called for the development of constructive plans for such a project so that the country could show the world "that we seriously intend to help settle these refugees even at a time when such action will demand great sacrifice."

Although the Israel Government did not come forward with an official plan for acceptance of any number of the Gaza refugees, it did announce its general intention to make a "contribution to a United Nations programme for settling the refugee population of the strip." Israel's contribution would "consist both in the payment of compensation and in the settlement of a part of the refugees."[43]

There was little opportunity for Israel to spell out the details of its intentions, for the Eleventh General Assembly called for complete evacuation of the strip by the invading troops. After half a dozen Assembly resolutions calling for their withdrawal from the area were passed, the last Israeli soldiers and administrators left the Gaza strip early in March 1957. Since Israel's willingness to take back and absorb a number of Arab refugees was conditional upon her administration of Gaza, the offer ended with the termination of Israeli control in the area.[44]

During the Israeli invasion of Gaza, a number of casualties were suffered by the refugees there. Mr. Henry Labouisse, the Director of UNRWA, in a special report[45] on the situation to the Eleventh Session of the General Assembly, recounted the incidents. Mr. Labouisse's report "included eye-witness accounts by UNRWA employees, both refugees and others." When Israel troops occupied Khan Yunis and the Agency's camp adjacent to the town, "a large number of civilians were killed . . . but there is some conflict in the accounts given as to the causes of the casualties." Mr. Labouisse stated that the Israelis claimed that there was resistance to their occupation, in which the Palestine refugees participated. The refugees maintained that at the time of the incident all resistance had ceased, and that many unarmed civilians were killed as the Israeli troops went through town and camp seeking men in possession of arms. Although the exact number of casualties was not known, the Director "received from sources he considers trustworthy lists of names of persons allegedly killed on 3 November, numbering 275 individuals of whom 140 were refugees and 135 local residents of Khan Yunis."

At Rafah a serious incident occurred on November 12 when a number of refugees were also killed and wounded by occupying forces.

Although there was a difference of opinion about the incident, it was agreed that it occurred during a screening operation by the Israel army. The stated purpose of the operation was to ferret out members of the "Palestine Brigade" or those who participated in

guerilla activities against Israel. The Israel authorities stated that the attitude of the refugees in the camp at Rafah was hostile and that the casualties occurred as a result of resistance during the screening operation. But this was denied by the refugees.

According to Mr. Labouisse, the facts seemed to be as follows: Because of the large size of the camp, the loudspeaker vans calling the men to assemble for screening were not heard by some of the refugees. Moreover, sufficient time was not allowed for all men to walk to the screening points. "In the confusion, a large number of refugees ran toward the screening points for fear of being late, and some Israel soldiers apparently panicked and opened fire on the running crowd." According to the Director's estimate, 111 people were killed in the shooting.

The Agency protested the Rafah incident to the Israel Government stating that "unless immediate measures were taken to put an end to such happenings, it would be impossible for UNRWA to continue its work. . . ." In reply, the Agency was assured that the Israel Government "was taking urgent steps to establish the facts and was doing its best to ensure that there would be no repetition of such incidents."

Although Mr. Labouisse reported that these two outbreaks were the only major ones of their kind which took place during the Israeli occupation of Gaza, a number of refugees were killed or wounded in smaller incidents—"some during the fighting, some in connexion with breaches of curfew restrictions, and some accidentally." Although the exact number was not known, the Director reported that in this category there were 66 individuals.

In a second report issued[46] by the United Nations at the same time as that of Mr. Labouisse, Lieutenant Colonel K. R. Nelson of the U. S. Army, serving with the U.N. Emergency Force in the Gaza Strip, observed that: "The Israel authorities have methodically established a programme to stabilize life in the Gaza area. They are progressively executing that programme. They have established law and order and have dealt with any uprisings of lootings in a strong manner. We believe that the population recognizes this and, therefore, has remained calm. Removal of any effective authority from the area would cause an eruption, either by the refugees or local inhabitants in the form of looting or destruction of property."

Lt. Col. Nelson reported that his party was offered "complete freedom to travel throughout the area" by the Israel authorities. During his visit, he found no evidence of mass deportations al-

though migrations in and out of the Gaza area to Jordan continued as in previous years.

Although he found the Israel authorities very cooperative, "it was evident that they were sensitive to having 'outsiders' inspect their administration as an occupying power. It was difficult at times to determine whether their attitude was that of concealing unfavourable conditions or sensitivity of having 'inspectors' find something inefficient in their administration."

Conclusions

During the years which the refugee problem has plagued the Middle East, public reaction to repatriation in Israel has developed from a desultory collection of opinions into a unified resistance against an Arab return. In the early days of the problem Israeli opinion ranged from Mapam and Communist support for a mass return of all "peace-loving" Arabs to Herut's unreserved opposition to return of a single refugee unless accompanied by acquisition of additional territory. Since then public opinion has moved steadily toward Herut's position. Today even the former Mapam protagonists of repatriation oppose the return of all Arabs to Israel's present territory, except the few who would qualify for repatriation within the scheme to reunite families. The Communists and Israel's Arab minority are the sole defenders of repatriation. Since the minority naturally desires restoration of the pre-war Arab community, the Communist position is compatible with their increasing concentration of energy on efforts to win Arab votes.

Public opinion has been unanimous on some aspects of the problem. All parties agree that Israel is free of responsibility for creating the flight. All place heaviest blame upon the British, the former Palestine Arab leaders, and the Arab League States. Non-leftist Jewish parties blame the refugees themselves for becoming prey to instigation. "American imperialism" shares the guilt in the eyes of the Left.

Today all Jewish parties agree that resettling the refugees in the Arab countries will solve the dilemma. The government has backed that solution with a promise to compensate the refugees, provided the funds are used for internationally supported resettlement schemes. Unfortunately, political opposition and economic as well as other qualifications, which the government has affixed to compensation proposals, have prevented their realization.[47]

Security is the fundamental consideration in most cases of Israeli opposition to an Arab return. The fear of an Arab fifth column overrides all other arguments of the case. Other factors have received only secondary emphasis. This means that promises of international material assistance for reintegrating a number of refugees within Israel are ineffective. Such support would do little to overcome that great psychological obstacle to an Arab return—Israel's insecurity in the Arab world.[48]

Attempts to link territorial and refugee problems underscore the security aspects of Israel's position. All factions of Jewish public opinion, except the Communists, favor absorbing new "security areas," like the Gaza strip, within Israel. All would agree to integrate Gaza's large indigenous and perhaps some of its refugee Arab populations along with its territory. The natural conclusion is that they believe greater security can be obtained in a larger territory with a relatively shorter frontier bordering on the Arab states.

In Israel the risks involved in resisting an occasional "strong American note" or the moral arguments of United Nations resolutions seem insignificant in the face of returning waves of "fifth columnists."

National insecurity is gravely accentuated by infiltration problems along the Arab-Israel frontiers. Herein lies one of the quandaries of the Palestine problem: Much of the infiltration is caused by concentration of refugees along Israel's borders. Some observers believe that many refugees could be resettled elsewhere if there were a compromise between Israel and the Arab States on repatriation of a token number. Were it not for its extreme sensitiveness to security factors, Israel might be induced to accept a token repatriation. Jewish qualms concerning security might be relieved if the problem of infiltration were solved. An antidote to the infiltration problem might alleviate the Jewish hyper-concern with security.

Outweighing all other factors, security has complicated them considerably. The social and economic organization of the country is developing more and more along lines which preclude return of the former Arab population. A new structure of national planning is being erected upon the ruins of the old Arab economic and social system. The remains are rapidly being cleared away so that any returning owners would have little left with which to work. The new structure does not leave much room for a large Arab minority. The psychological, social and economic problems

which would face the reintegration of large numbers of Arabs into Israel are such that the search for a practical and humanitarian solution of the refugee question must be given serious and thorough study.

NOTES

1. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (5th Session) Summary Records, pp. 411-14, 458-61.
2. *Divrei ha-Kneset,* Vol. VIII, pp. 849, 924.
3. *Ibid.,* pp. 867-68.
4. *Ibid.,* p. 862.
5. *Ibid.,* pp. 914-15.
6. *The Department of State Bulletin,* Vol. 22 (June 5, 1950) p. 886. The statement is generally known as the "Tripartite declaration."
7. The Mutual Security Act of 1951, Section 202; J. C. Hurewitz, *Middle East Dilemmas,* pp. 93-96, 153-154.
8. See Chapters X and XI.
9. U.N.G.A. OR (6th Session) Supp. no. 18, *Progress Report of the United Nations Conciliation Commission for Palestine* (doc. A/1985) p. 4.
10. *Ibid.,* pp. 4-5.
11. *Infra.,* pp. 330-34 "Freezing Iraqi Jewish Property."
12. U.N.G.A. OR (6th Session) Supp. no. 18, *op. cit.,* p. 18.
13. *Ibid.,* p. 10.
14. *Infra.,* pp. 321-29.
15. *Infra.,* Chapter XI.
16. *Divrei ha-Kneset,* Vol. X, p. 315.
17. U.N. G.A. Resolutions 512 (VI) and 513 (VI).
18. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (6th Session) Summary Records, pp. 189-91, 213-15; Plenary Meetings (6th Session) Verbatim Records, pp. 396-98, 404.
19. *Divrei ha-Kneset,* Vol. XI, p. 1176.
20. *Ibid.,* p. 1177.
21. *Ibid.,* pp. 1161-64.
22. *Ibid.,* p. 1174.
23. U.N.G.A. OR (7th Session) Annexes Vol. II, Agenda Item 67, pp. 3-9 (docs. A/2121, 2216, 2216/Add. 1).
24. U.N.G.A. OR, *Ad Hoc* Pol. Comm. (7th Session) Summary Records, pp. 9-10, 11-15, 29-34, 147-51, 165-72; Plenary Meetings (7th Session) Verbatim Records, pp. 179-82; U.N. G.A. Resolutions 614 (VII), 720 (VIII), 818 (IX), 916 (X), 1018 (XI), and 1191 (XII).
25. *Ha-Boqer,* May 10, 1953.
26. *Herut,* May 13, 1953.
27. *Ha-Zofeh,* May 13, 1953.
28. *Jerusalem Post,* June 3, 1953.
29. *Ma'ariv,* June 10, 1953.
30. *Davar,* June 3, 1953.
31. *'Al ha-Mishmar,* June 3, 1953, referring to the British Government's 1939 white paper on Palestine which restricted Jewish rights in the country.
32. *Herut,* June 8, 1953.
33. *Ha-Boqer,* June 11, 1953.
34. *Ha-Zofeh,* June 15, 1953.
35. *Jerusalem Post,* June 14, 1953.
36. *Divrei ha-Kneset,* Vol. XIV, p. 1640.
37. *Divrei ha-Kneset,* Vol. XIV, p. 1612.
38. *Ha-Arez,* June 12, 17, 1953.

39. *N. Y. Times,* Aug. 27, 1955.
40. *Infra,* chapter XI.
41. *The Jewish Agency Digest of Press and Events,* Vol. VIII, no. 50, p. 1525, Sept. 9, 1955.
42. *Ha-Arez,* Dec. 11, 1956.
43. Statement by Ambassador Michael Comay before the U.N. *Ad Hoc* Political Committee, February 19, 1957.
44. *Ha-Arez,* Mar. 1, 1957.
45. U.N.G.A. PR (Eleventh Session) A/3212/Add. 1., pp. 7-10.
46. U.N.G.A. PR (Eleventh Session) A/3491, pp. 2-3.
47. *Infra.,* Chapters X and XI.
48. *Infra.,* Chapter VI.

CHAPTER VI

Israel's Arab Minority and National Security

ISRAEL IS frequently referred to as the Middle East nation second to Turkey in military power, though it lives in a state of insecurity. Its forces were reported, as of early 1957, to be about 200,000 men at full mobilization, or five to seven divisions plus support. This is believed to be somewhat less than the estimated total of the combined military strength of the Arab states. Many observers[1] maintained that Israel excelled the latter in training, morale and the intangible factors which defy statistical analysis. The more than one hundred per cent increase in Israel's Jewish population since 1948 has facilitated the maintenance of a relatively large corps of reserves which are on instant call.[2]

The Arab countries have untapped and undeveloped manpower resources more than twenty times those of Israel. Should these be effectively utilized, these countries could eventually swamp the small Jewish state, even if it continued a high rate of immigration until all the potential sources of immigration were absorbed.

Israel's borders are 990 kilometers long. They comprise vulnerable corridors, inlets, land peninsulas, enclaves and other irregularities, which are much greater in relation to its total area than the frontiers of most nations. The plethora of geographic snares has created great trouble and restlessness among Israel's military leaders.

Viewed against Israel's unsettled political relationships with the Arab world, geographic-demographic factors and intermittent threats of a "second round" by Arab extremists have made the Jewish community apprehensive. These security problems have a direct bearing on government policy and public opinion toward the Arab refugee question as well as toward the Arab minority in Israel.

Most of Israel's 205,000 Arabs have close family connections with Palestinian refugees in the Arab countries.[3] In many cases Israel Arab families are but the remnants of *hamulas* (extended families) which fled from the cities, towns and villages. Inevitably the sentiments and sympathies of Israel's Arab minority are

closely linked with those of the refugees across the borders. The situation has created deep-rooted psychological problems of divided loyalty and emotions.

The Jewish population has shown a natural tendency to associate the minority with the refugees in enemy territory. As infiltration and border incidents increased, the inclination became more persistent. Growing insecurity has caused the government to take more severe measures against the minority and an inflexible stand toward the refugees. Arab reaction only made the situation more incendiary and led to a renewal of border incidents. The vicious cycle of action and reaction has diminished considerably the assimilability of Arabs in Israel.

Certain fundamental credos of Jewish nationalism that are basic to the creation of Israel have also tempered possibilities of Arab integration. The aims and ideals of the state, its leadership, officials, organizations, symbols of loyalty, and its very *raison d'être* are ethnically Jewish. The speeches of national leaders in the Kneset and in political meetings at home and abroad constantly have emphasized that Israel is a Jewish state whose purpose is "ingathering of the exiles" (Jews now living in the diaspora). The cultural life stream of the state is Hebrew-Jewish. Many of its main contributors came from the thousand-year-old Jewish tradition of Eastern Europe. Most of them spent little if any of their lives in the Middle East environment, and their cultural heritage holds little attraction for the Arab community of Palestine as presently constituted.

In many instances the Israel government's minority policy has been ill-defined and confused. The government departments and agencies have had conflicting attitudes about many basic issues: Should the Arabs be integrated politically as an autonomous minority community, or should they be assimilated into the Jewish community? Should a separate Arab culture be fostered within that of the Jewish majority? Or should the minority be encouraged to emigrate as part of a population transfer in which Jews from Arab countries would be traded for Israel's Arabs?

The CCP has been interested in the fate of Israel's minority because of its interest in repatriating Arab refugees to Israel. In 1949 the Commission recommended that the refugees "be fully informed of the conditions under which they would return; in particular, of the obligations they might incur as well as of the rights that would be guaranteed to them."[4]

At the Beirut conference in 1949, the Arab delegations ac-

cused Israel of failure to provide any security for its minority. The alleged violation of guarantees was intended, according to the Arabs, to make "more difficult or even impossible," refugee repatriation.[5]

To study the situations described in the Arab complaints, the CCP ordered both its General and its Technical Committees to deal with "preliminary measures to be taken for the preservation of the rights, property, and interests of the refugees. . . ."[6]

The Commission called Israel's attention to the question in a memorandum it submitted to all delegations in August 1949, inquiring whether they would guarantee that repatriated Arabs "would become *ipso facto* citizens of Israel and no discrimination would be practised against them. . . ."[7]

Israel promised the pledge, but the Arab delegations demanded an international guarantee of minority rights in the country.

Transition from "Palestine" to "Israel" Arabs

Under the Palestine Government, there were few official relationships between Jews and Arabs. Each community ran its own political and social affairs without direct contact with the other. Some Jews and Arabs belonged to the same labor organizations, but most intercommunal relations were largely personal and commercial. There were occasional behind-the-scene meetings of Arab and Jewish leaders, but they produced no political rapprochement between the two communities. The Arab leaders maintained their public opposition to any form of political Zionism. Though interpretations of Zionism varied among Palestine Jewish leaders, after the United Nations resolution to partition the country nearly all espoused the establishment of a Jewish State.

Until the very eve of Israel's independence, little thought was given to the details of Arab-Jewish relations within a Jewish State. Although (almost exactly) half of Israel's population was to have been Arab, the thinking of Jewish leaders about the implications of the predicament was very general. Nearly every Zionist Congress passed a resolution on Arab-Jewish relations guaranteeing full equality of rights for all inhabitants of a Jewish State, and full religious, educational, cultural, and social autonomy for all its communities.[8] The man to be first President of Israel, Dr. Chaim Weizmann, told the Anglo-American Committee of Inquiry on Palestine in 1946 that there would be no question of "our dom-

inating the Arabs in the sense of taking away their natural rights or their language or interfering in any way at all with their culture and their civilization."[9]

David Ben Gurion, who was to become the first Prime Minister of Israel, told the Commission:

> We will have to treat our Arab and other non-Jewish neighbours . . . as if they were Jews, but make every effort that they should preserve their Arab characteristics, their language, their Arab culture, their Arab (sic) religion, their Arab way of life, while making every effort to . . . gradually raise the standard of life. . . .[10]

Zionist leaders were required to guarantee Arab rights in order to receive international support for a Jewish state. The United Nations demanded that the provisional Jewish government sign a declaration that assured minority rights before it obtained its independence. The stipulations of the declaration were to become "fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations. . . ." They included religious and cultural freedom as well as the right of the Arab community to maintain its own schools with Arabic as the language of instruction. Discrimination of any kind on the grounds of race, religion, language, or sex was banned and all persons within the jurisdiction of the state were to receive equal protection of the laws. The expropriation of Arab land by the Jewish State except for public purposes was not to be allowed. "In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession."[11]

Israel's proclamation of independence contained similar guarantees. It called upon the country's Arabs "to preserve peace and participate in the up-building of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."[12]

Israel's first legislative act, the Law and Administration Ordinance, promised places in the Provisional Government to the Arabs. It authorized the Provisional Council of State to co-opt in the government Arab residents who recognized the State of Israel.[13]

Owing to the lack of direct political contact with the Arab community and the concentration of foreign policy upon relations with the great powers and the United Nations, specific problems likely to arise in the relationships of an Arab minority with a Jewish State received little study by Zionists and almost no official

public discussion before Israel was established. How was the Jewish government to deal with security problems among a minority population whose leaders opposed its existence? What would the position of Arabs be vis-à-vis national police and military forces? In a nation founded upon principles of Zionism, what would be the official approach to problems of integrating a large minority through which ran a current of anti-Zionist feeling? What would the Jewish government's policy be toward Arab ownership of most of Israel's best land? How would the economic and cultural problems created by the differences between a predominantly Arab agricultural society and a Jewish commercial-industrial society be treated? Not until long after their state was established did Israel's leaders begin to give serious consideration to these problems and their ramifications.

By May 1948 when the Government of Israel began to function, problems concerning the Arabs had been considerably scaled down by their precipitous and unexpected flight. On the other hand the few Arabs who remained in Israel were placed in a dilemma by the state of war with the neighboring nations. Arab armies were attacking Israel along all its frontiers. Until the first United Nations truce began on June 11, Israel's military position was precarious.

To cope with this situation, the Provisional Government immediately turned over much of its administrative machinery to the militia which was under authority of the Minister of Defense. In the strategic border areas, where the majority of the country's Arabs lived, civil authorities delegated most of their responsibilities to the Army. Civil authority was also relinquished in all other areas, like Jaffa, where there were large concentrations of Arabs.

The military gave primary consideration to national security in the zones under its jurisdiction. The fact that most Arabs remained in Israel were but the remnants of large families which had fled across the border to "enemy territory" caused the military to consider them potential fifth columnists. In this environment previous Zionist pronouncements on the status of Arabs in a Jewish State lost their meaning. Army rule and security considerations became the most pervasive and predominant governmental influences upon the Israel Arab community.

The minority was bitter and disillusioned by the treatment it received. Its reactions were exaggerated by the lack of a well-defined minority policy within the Israel Government and by the shock of a cataclysm which had smashed the whole economic,

social and political structure of the Arab community in 1948.

At the end of the British Mandate and before the flight of refugees from the country, Palestine's Arab population was approximately 1,300,000, of whom 1,170,000 were Muslims and 130,000 Christians. Of these between 700,000 and 900,000 lived in the territory which now constitutes the State of Israel.[14] About 850,000 Arabs lived in villages; 50,000-60,000 were nomads and semi-nomads; and about 400,000 were city dwellers.[15]

Only about 170,000 Arabs remained in Israel at the end of the Palestine war: 119,000 were Muslims; 35,000 Christians; and 15,000 were Druze.[16] About 32,000 were town dwellers; 120,000 villagers; and 18,000 nomads. Of these Arabs, about 30,000 were refugees within Israel, having fled from one part of the state to another during the fighting.[17]

The intellectual, political and religious leaders of the Arab community abandoned Palestine. Most Arab teachers and former Palestine Government officials left. The local Arab press collapsed or was transferred across the borders. Only a handful of the Arab remnant in Israel had been active in the leadership of their community, or was of a calibre high enough to assume the positions of leadership left vacant after the flight.

Nearly all means of communal identification and loyalty were destroyed or moved to what had become "enemy territory." A vacuum remained in the life of the Israel Arab community.

The Security Matrix

Early in 1951 the military leaders felt that the security situation had improved sufficiently to remove controls on Arabs living in the midst of heavily populated Jewish areas such as Tel Aviv-Jaffa, where there were approximately 4,000 Arabs and 350,000 Jews; Acre with about 4,000 Arabs and about 14,000 Jews; Haifa with about 5,000 Arabs and about 150,000 Jews; and Ramle and Lydda with 3,000 Arabs and 31,000 Jews.

By the end of 1956 between 160,000 and 180,000 of Israel's approximately 200,000 Arabs still lived in three military governorates under the control of the Ministry of Defense. They were: the Northern Area, or Galilee, bordering on Syria and Lebanon, which contained some 130,000 Arabs; the Negeb, bordering on Jordan and Egypt, with about 14,000—mainly Beduin—and the Central Area, or so-called "Little Triangle" between al-Tirah and al-Tayyibah bordering on Jordan, with about 35,000 Arabs.[18] Arabs in these areas lived under a complex of legal restrictions.

Their movement into, out of, and within security zones was regulated by the military. Legal residents could be banished and their properties confiscated. Whole villages could be removed from one area to another. The final authority regarding violations of emergency regulations was a military court, whose decisions were not subject to jurisdiction of the Civil Courts of Appeal.

The most severely restricted areas were controlled by emergency regulations issued in 1948 by the Minister of Defense. His authority derived from the Law and Administration Ordinance issued by the Provisional Council of State.[19] The Minister could establish "Defense Areas" within which he could designate "security zones." Within these areas and zones his authority could be delegated to any *Segan Aluf* (lieutenant colonel) or officer of higher rank. No person except a soldier or a policeman on duty could enter a security zone. Any permanent resident of a security zone at the time the regulations went into effect was not "required to leave until 14 days after receiving an order from the authorities to do so." Those entering security zones without military permits could be forcefully removed and were subject to one year imprisonment or a fine of 500 pounds, or both. Defense areas and security zones were established to facilitate evacuation of all inhabitants whom the military authorities considered unreliable. The army used these regulations to expel from, or to relocate in other areas within, Israel, several Negeb Beduin tribes,[20] and Arab populations of the border villages Iqrit,[21] Sha'ab, al-Birwah, Bir-'im, Umm al-Faraj, and Majdal.

Establishment of security zones did not directly affect most Israeli Arabs. The military controlled them through the Defense (Emergency) Regulations of 1945, which had been enacted by the British Mandatory authorities to curb Jewish terrorism.[22] The 147 regulations authorized the Chief of Staff, with the consent of the Minister of Defense, to appoint Military Governors or Commanders for any place within the country. Military commanders were responsible for public security in areas under their control and were authorized to "use all force reasonably necessary for the exercise of this power." These regions were not as strategically sensitive as the defense areas and security zones.

In areas under military control, the Chief of Staff established military courts with exclusive authority to try offenses against the regulations. Arrest warrants could be issued by any commissioned or police officer. Persons accused of a military offense could be tried by a military court without being brought before a magis-

trate within 48 hours of their arrest. The military courts used English law and practice. But if satisfied that "in the interests of justice it is necessary to do so, . . . [they] may admit other evidence, notwithstanding that it would be inadmissible in England." All military trials were summary and could be held in closed session. The courts could adjourn and reassemble at will. Military verdicts had to be unanimous. They could not be called into question or challenged.

The police and military could seize and detain any "goods, articles, documents or things." They could also enter and search any place suspected of being used for "any purpose prejudicial to public safety. . . ." Any individual in military-controlled areas could be detained and searched.

With the consent of the Minister of Defense or the Chief of Staff, military commanders were authorized to limit individual movements, to impose restrictions upon employment and business, and issue deportation orders. Any person could be placed under police supervision for a period of time not exceeding one year, could be required to remain where directed by military order, and to present himself periodically to the police. Military commanders could authorize detention for a one year period only after considering the recommendations of one or more advisory committees consisting of persons appointed by the Minister of Defense. The Chairmen of such committees were high judicial officers or senior government officials.

In areas ruled by the military, District Commissioners could "in the interest of public safety," take possession of any land. Both District Commissioners and military commanders had power to requisition any chattel ("includes any substance, vehicle, or animal or small craft") and to "use or deal with, or authorize use in dealing with the chattel or property for such purposes as he thinks expedient . . . and hold or sell or otherwise dispose of it."

Commanders could occupy any area in which they believed the inhabitants did not assist them. Police or troops could be quartered there among the inhabitants at their expense.

Road movements were prohibited or controlled by military commanders. They could also establish curfews, suspend postal services and cut off telephone communications and other public services. Any area under their control could be declared a closed area, entrance into which required a military permit. Thereby, many villages and farms were cut off from their inhabitants and turned over to new Jewish settlers.

After the conclusion of the armistice agreements with the Arab states, the impact of emergency regulations upon the daily life of Israel's minority was greatest in restrictions on movement between villages and towns. The Nazareth Arab who wanted to visit a relative in Jaffa had to apply a day or two in advance for a military permit to leave his town. To make the journey he had to fill out application forms, bring them to the Military Governor's headquarters, and wait in line—sometimes several hours—for an answer which often was negative. An unemployed Arab from a village like Shafa 'Amr who wanted to find work in Haifa had to follow the same procedure and take the same chance of having his request rejected. Naturally, feelings of something less than devotion to the Government were felt by many individuals who were required to go through this process in order to carry out normal societal and economic functions. Although most of the Arab community continued to be subject to all the regulations, arbitrary arrests, confiscations and banishments were infrequent.

Military Government authorities defended maintenance of emergency regulations on security grounds even after cessation of active hostilities. The Arab question in Israel was not really a minority problem but one of security, they argued. They drew analogies with the situation along the Russo-Turkish frontier, where, even in times of peace, the Turks maintain the most rigid controls over minority populations. Was it not even more necessary to enforce strict controls along the Israel-Arab frontiers, where there was continued incitement and hatred of Israel? Although there was no peace, the Arabs of Israel maintained their family and commercial connections with Arabs in "enemy" territory. The military were convinced that the neighboring states exerted continuous pressure on Israel's minority through psychological warfare. They found evidences in the radio broadcasts of the Arab states, in personal pressure upon Israeli Arabs by agents from across the frontier, and in the frequent murder of Israeli Arabs who were "too friendly with the Jews." The refusal of many villages to absorb refugees and their reluctance to accept, in exchange for their own requisitioned property, land of Palestinian refugees who fled across the border, were cited by the army further to substantiate its appraisal of minority loyalty. The military discovered that often Arabs within Israel, after agreeing to use land of refugees who fled to the Arab States, made illegal payments to the former property owners across the border.

According to the army, evidences of the influence of the for-

mer Mufti of Jerusalem, al-Hajj Amin al-Husayni, were becoming more frequent and the ex-Mufti's agents often infiltrated into Israel to incite the Arab minority. Although his power collapsed with the Arab defeat in the Palestine war, the ex-Mufti was said by them to have regained his popularity by leading the chorus of demands for refugee repatriation and compensation. By 1953, economic and social causes had ceased to be the primary motives for infiltration, and organized border warfare developed. Israel's military spokesmen felt that many of the border attacks were directed by the ex-Mufti. After 1955 they placed the principal responsibility for infiltration on the Egyptian army which, the Israelis alleged, had organized *Fedayeen* or suicide units of ex-Palestinians to harass the country by cross-border raids.

Encouraged by nationalist leaders, the Arabs began to think in terms of such unrealistic solutions as the return of absentee property or the surrender of Galilee to the Arab States. The Army feared that the unreliability of the minority constituted a serious security risk and advised close supervision of Israeli Arab activities.

In the Kneset the government asserted that military control of areas heavily populated with Arabs would continue until the signing of peace treaties with the Arab states. The Defense Minister called opposition to the military regulations, which argued that they infringed upon minority rights, "a provocation of the Arab minority against the State of Israel."[23]

Nevertheless many Kneset members attacked the emergency regulations as anti-democratic. On May 22, 1951, the Kneset passed a resolution by 53 votes to 1 with 40 abstentions, declaring the Defense (Emergency) Regulations of 1945 a danger to the foundation of a democratic state. It directed the Kneset's Constitution, Legislation and Legal Committee to present a draft law to repeal the regulations within two weeks.[24] The resolution received the support of Mapam, the United Religious Front, the General Zionists, Herut, the Communists, and two members of the Sephardim Party.

Since the Committee failed to present the Kneset with alternative draft legislation, the regulations remained in force indefinitely. The Kneset actually reversed its disapproval of the regulations when it supported them in a subsequent resolution passed by 42 votes to 14 on February 12, 1952. The resolution stated that: "As long as the present security situation continues and the existing relationship between Israel and its Arab neighbours remains

unchanged, the Military Government must continue to protect national security." However, it also noted that the government was determined to end all discrimination against Arabs at a suitable time.

In answer to those who opposed continuation of military rule, the government replied that persistent infiltration, marauding and espionage from over the border necessitated continued restrictions on the Arab community. "The integration of Israel's Arabs cannot be smooth so long as there is no peace between Israel and its neighbours."[25]

The power of the Minister of Defense was somewhat circumscribed by a 1950 amendment to the law authorizing him to establish Defense Areas and Security Zones. The amendment enabled the Kneset's Security and Foreign Affairs Committee to cancel the law at its discretion.

As a result of the 1955 national election the question of military rule in areas where Israel's Arab minority lived again became an issue for public discussion. Mapai, the moderate socialist party, lost five Kneset seats in the election. Consequently it was forced to form a coalition government which included both Mapam and *Ahdut ha-Avoda-Poalei Zion,* two left wing Socialist parties which were outspoken in their demands for improvements in the condition of the Arab minority.[26]

The new coalition was formed on the basis of fourteen "Basic principles of government." The eleventh "principle" called for "Full Equality for Arabs and other Minorities."[27] In addition to promising that the minorities would "enjoy all the rights and share all the duties of a citizen of Israel," the new program called for equal pay for equal work, extension of all services of government to minorities, encouragement of cooperation and local government in Arab communities, equal opportunities for education, and restriction of security measures in border areas "to actual and vital security requirements alone" which would not "unnecessarily infringe on the civil rights and the freedom of movement of inhabitants in border area." The new government also promised to appoint a special committee "to enquire into the possibility and necessity of restricting the area and the operational scope of military government. . . ."

A three-man commission composed of Professor Y. Ratner of the Haifa Technical Institute, D. Auster, a former Mayor of Jerusalem, and D. Salomon, a well known lawyer, was set up by the Prime Minister on December 6, 1955 to carry out this promise.

The commission reported to the government in March 1956 after hearing testimony from dozens of witnesses including cabinet members, Arab Kneset members, senior army and police officials, and representatives of municipalities and local councils.

After evaluating the security situation along Israel's frontiers, the commission concluded that "the areas under Military Government and the scope of the activities of the Military Commander should not be abolished or reduced." Although "there has recently been a gradual easing of the regulations" by the freer grant of temporary and long-term travel permits to those whose work required them to move about the country, the commission felt that the border was still insecure. "These areas are of supreme importance from the security point of view, and need to be kept under control, since they might be made use of by the enemy in any emergency. There is no doubt that the Arab states count on local support from Israeli Arabs when the proper time comes. . . . Even today part of the Arab population in Israel maintains contact with the enemy, though this contact seldom takes the form of obvious sabotage." In the commission's view the military filled a role which no civil authority could play by its responsibility for coordinating the work of the police and civilian government departments. Were it not for the Military Government, "there would have been a mass influx from across the frontiers for the purpose of gaining control of areas intended for settling immigrants or establishing security settlements of the first importance, as well as the entry of hostile elements and potential enemies."

The commission added that military control and permits "makes it possible for the authorities to know most of the population and keep an eye on those who are likely to cause trouble."

It was conceded that military rule "tends to make some of the Arab population feel that they are second-class citizens, and in some cases causes suffering to a limited number." But "the extent of these difficulties has been exaggerated."

To ease the burden of Military Government the commission recommended that military authority "should be made more efficient in order to facilitate the proper implementation of the limitations in a way which will make things easier for the population." This could be accomplished by better choice of all grades of military government personnel; planned training for such personnel; longer periods of service in military government to foster a feeling of stability and better equipment. It was recommended that security authorities should from time to time reexamine the system

of issuing permits in order to speed up its work. Nazareth, the commission believed, should remain under military control for economic reasons. Otherwise there would be "serious interference with the free movement which exists today between the inhabitants of Nazareth and the 80,000 Arabs in Galilee."[28]

The results of the military government investigation were a great disappointment to Mapam, the party chiefly responsible for the survey. The party's daily, *'Al ha-Mishmar*,[29] termed the report "a complete justification," which brought "bad tidings" to the minority, because it would undermine Arab confidence in the good will of the Government and in its announced policy of equal rights. The weakness of the investigation was that the commission had accepted only the arguments of those who justified military government, and had neglected to establish close enough contact with the Arab community. Instead, the commission "blindly accepted the baseless charge of the military government people and thus from the start invalidated itself as an objective organization."

The newspaper pointed out that the Arabs of Israel were loyal citizens who, if given the opportunity, would participate in the life of the state. Some 35,000 Arabs were living outside areas under military control and they led quiet lives amidst excellent relationships with their Jewish neighbors free of any security controls.

One result of the survey was the convening at Haifa in September 1956 of a non-partisan, although Mapam-inspired, conference to deal with problems of Arab-Jewish relationships. Among those who sponsored, addressed, or supported the conference were Abba Khushi, the Mapai Mayor of Haifa, Archbishop George Hakim, leader of Israel's Greek Catholic community, William W. Channel, Field Director of the American Friends Service Committee (Quakers) in Israel, Gad Frumkin, former Supreme Court Justice, a number of professors at the Hebrew University in Jerusalem, several former high-ranking Israeli army officers, and representatives of the arts, sciences, and literature from various political parties.[30]

Among the resolutions of the conference was one calling for further relaxation of military control over the majority of Israel's Arab community. "This inequality among citizens is contrary to the principles of the State of Israel, damages the State severely, and leads to a distorted conception of the State both in the Arab countries and in the World at large. The conference urges the

Government to revoke the recommendations of the Committee on Military Administration."[31]

The conference also called for a peaceful settlement of the Arab Israel dispute, and decided to establish a Jewish-Arab Association for Peace and Equality.

A piecemeal contribution to easement of military restrictions was made when, early in April 1957, the Military Governor of Galilee announced that members of the minority who were serving or had served in the Israeli defense forces would be permitted to enter or leave military government areas without restriction. The order applied principally to the country's 18,000 member Druze community since few Muslim or Christian Arabs had served in the Israeli army.[32]

On July 5, 1957 Prime Minister Ben Gurion announced that his government would modify security restrictions on the Arab community. The modifications included abolition of the need for permits for Arabs in Galilee to travel to Acre, Nazareth and Afulah, easing the night curfew in the "triangle" area on the Jordan border northeast of Tel-Aviv and opening the road from al-Tirah in the triangle to Tel-Aviv via Ramat ha-Kovesh.[33]

Al-Tirah, Abu Ghush, and Kafr Qasim Cases of Military Government Use of Emergency Regulations

In 1953 two incidents focused attention upon areas under military rule. The first occurred in July when an Israel Army Air Force reconnaissance plane was hit by bullets fired from the ground in or near al-Tirah, one of several villages acquired by Israel in the armistice agreement with Jordan. Before the Palestine war its inhabitants had been notoriously hostile to Jews, several of whom were murdered by al-Tirah Arabs. After the village became part of Israel there were no incidents there until July 1953, when the army immediately imposed a curfew and put into force the more severe emergency regulations. Israel officers suspected that the village was not cooperating in maneuvers against infiltration. They linked the news from al-Tirah with similar incidents which occurred in several Galilean Arab villages. Arms and infiltrators were discovered in the latter after villagers had refused to cooperate with the Army. Military circles demanded that the Arab citizens "prove their loyalty to the authorities; if they do not, they cannot complain if they are treated as being disloyal."[34]

Following the curfew imposed upon al-Tirah, its Local Coun-

cil accused the military of thefts and maltreatment during a twelve hour search.[35] The Council Chairman charged that shots were fired into the air to frighten the local population. Women, elderly persons and infants were rushed out of their houses and marched into concentration pens, where they were kept for several hours, without water, under the blazing sun. A village committee estimated that the Army caused £I10,000 worth of damage. No illegal arms were found and no suspects were detained. During the previous four years there had not been a single incident in which any of the 4,000 villagers had violated the security of the area.

The case of the villagers was taken up by three Arab Kneset members whose plea for a parliamentary discussion of the incident was rejected, but answered by the acting Minister of Defense.

Many Kneset members felt that the incident presented an opportunity for a general discussion of the position of the Arab citizen, but that conditions were not yet propitious for a debate on minority problems. Still they feared that attempts to integrate the minority would be harmed by a feeling among the Arab leaders that they could not obtain a hearing in the Kneset.[36]

In reply to the Arab protests, acting Defense Minister Pinhas Lavon warned the minority that their loyalty as citizens would be judged by the active assistance they rendered against murder and "bloody excesses" of Arab bands. "Let us not deceive ourselves. If this 'miniature war' continues—and it may even intensify—and if part of the inhabitants continue to stand aside, this will hurt the inhabitants more than it hurts the State itself." He dismissed complaints that soldiers had been brutal. "Of course," he said, "a curfew is no picnic. Curfew is an inconvenient thing, but the difference between inconvenience and brutality is the difference between East and West." Brushing aside a claim that windows and furniture had been smashed he said: "I assume it doesn't refer to mahogany furniture or pianos . . . maybe a window or a chair was broken during the search. I regret it."[37]

A second incident occurred in September 1953 when eight Arabs were banished from Abu Ghush in the Jerusalem corridor for three to six months by order of the area military commander.[38] The army accused the villagers of refusing to cooperate in apprehending Arabs who were believed to have thrown hand grenades into a nearby Jewish youth village. While in exile the villagers were required to appear before the police twice a day and to be under constant surveillance.

Unlike al-Tirah, Abu Ghush was long known for its friendli-

ness to Jews. Several village notables had actually helped Jewish underground forces against the British during the days of the mandate. But the Army was anxious to be rid of this large concentration of Arabs so close to the frontier because they were suspected of being a base for smuggling and infiltration.

The head of the Abu Ghush Village Council was among those banished. In an appeal to the President of Israel, all Cabinet Ministers, and to the Governments of the United States, the United Kingdom, and France, he denied that the villagers had anything to do with the explosions.[39] The real reason for the banishment, he asserted, was that several village elders had repeatedly rejected army requests to apply for their own evacuation. He reaffirmed the loyalty of Abu Ghush villagers and called upon the Jewish people and its "wise leaders" to deal with them in the spirit of democracy and the Constitution.

Israel's High Court of Justice asked the Government to show cause why the banishment should not be annulled. In a deposition to the Court the Prime Minister defended the banishment orders for reasons involving security and welfare of the State, which could not be revealed. The Army officer who signed the orders testified that it was clear to him that the presence of the men constituted a threat to public security, and emphasized that he had been influenced by nothing except the security position in the area of Abu Ghush.[40]

The High Court supported the banishment, basing its decision on the security situation in the village. It particularly called attention to the increased infiltration and smuggling at Abu Ghush, and to the attack on the Jewish youth village. The judgment, however, warned: "should it become evident that reasons of security constituted merely a pretext for arbitrary and illegal acts, the Court will not hestiate in so stating in the interest of justice."[41]

The al-Tirah and Abu Ghush incidents revived public discussion of the Arab problem in Israel. They were important enough to receive wide editorial comment throughout the press. Security aspects of the minority question were unanimously emphasized. Government supporters laid heavy stress on the questionable loyalty of Israel Arabs. *Ha-Dor,*[42] the Mapai daily, warned that the al-Tirah affair was a "clear sign that the specter of anti-Israel feeling among the country's minority is rearing its ugly head. . . ." The incident only confirmed the well-founded suspicions that there was cooperation across the armistice lines, and strengthened the growing conviction that such outrages "could not have been

perpetrated without the active or passive connivance of some of Israel's Arab citizens," reported the *Jerusalem Post,*[43] unofficial English language spokesman for the government. Arabs were called upon to prove their loyalty by cooperation in apprehending criminals. Arab recovery from the shock of change from a large majority to a small suspected minority was retarded by their failure to reconcile themselves to the existence of Israel. The *Post* compared the situation of Israel's Arabs to that of the Muslim minority in India. "Just as the Government of India is extraordinarily sensitive to anything that affects its Moslem minority, so must we be."

Nearly all newspapers acknowledged the obscurity of the government's Arab policy. The inconsistencies and discrepancies in treatment of individual incidents involving Arab citizens had been pointed out on previous occasions in several journals, including those which supported the government policies. Although "there is no doubt in the minds of the overwhelming majority of citizens of Israel that the policy towards our Arab minority, must be one of complete equality both in theory and in practice," wrote the *Jerusalem Post,* ". . . implementation of such a policy . . . is complicated both by administrative and security considerations." The fact that more than one authority had power to deal independently with Arab affairs often caused confusion. On occasion there were open conflicts of decision between the Ministry of the Interior and the military. "Nothing is more likely to cause unrest and discontent than divided control. . . ." It was a tragedy that economic and social improvements in Arab life under Israel rule were "not sufficient to make the Arabs loyal and contented citizens. . . ."

Ha-Boqer,[44] organ of the General-Zionists, openly criticized the handling of Arab affairs, although the party was itself a member of the coalition government. For several months the General Zionists had under way a campaign to win Arab votes away from the Mapai affiliated Arab parties. To help effect this end they directed sharp criticism at the minority policy of the Ministry of Defense headed by a Mapai Leader. *Ha-Boqer* recalled that the General Zionist Minister of the Interior, Israel Roqah (Rokach), demanded an end to discrimination against the Arab population, abrogation of military rule, and a system of elections for Arab local councils. "Citizenship in a democratic country cannot be granted by instalments," the paper cautioned. Permitting the Arabs to go to the polls while discriminating against them would only "play into the hands of rabble rousers and instigators." *Ha-*

Arez[45] supported these allegations. It reminded Israel's Jews of their own treatment as a minority, and called upon them "not to forget so soon their days under Pharaoh. . . ."

The opposition press turned the minority issue against the government as it had on many other occasions. The Communist *Qol ha-'Am*[46] fulminated against the "Fascist oppression" and saw it as a threat to end civil liberties for all Israelis. On the other hand, the nationalist *Herut*[47] attacked the government for its soft treatment of the minority. "For the hundredth time we warn that the government's policy is leading to a second round, in which Israel will have to fight on two fronts simultaneously."

Ha-Modia,[48] organ of the extreme Orthodox Religious *Agudat Israel* party, asserted that in a struggle for votes, all parties had "turned the Arab villages into political battlegrounds. . . ." They were making "a fatal mistake by issuing promises they could not keep, and blaming each other for the natural and unalterable situation of the Arabs."

Israel's attack on Egypt at the end of October 1956 was accompanied by an incident which, although not brought to public attention until a month and a half later, greatly shocked most of the nation. Prime Minister David Ben Gurion revealed the "terrible tragedy" in a public statement before the Kneset on December twelfth. On the day Israel invaded Egypt (October 29) 51 Arab residents of Kafr Qasim and other Israeli villages in the heavily Arab-populated border area known as the "Little Triangle," were killed by the Border Police. When the attack was launched, a curfew had been proclaimed on the chain of Arab villages in the area under provisions of existing emergency legislation. The curfew hours were between 5 p.m. and 6 a.m. Villagers returning from fields after 5 p.m., unaware of the order, were shot. Among the 51 dead were women and children.

The Prime Minister announced to the Kneset that, as soon as he heard of the incident on November 1, he had appointed a committee headed by District Judge Benjamin Zohar and also consisting of Abba Khushi, the Mayor of Haifa, and Aharon Hoter-Yishai, a lawyer, to investigate the situation. The report, submitted to the Government on November 6, recommended that the Commander of the Border Police unit and a number of men under his command be placed on trial and the payment of compensation to the families affected. A few days later advance sums of between £I1,000 and £I5,000 were paid to several families in the area.

". . . I feel it my duty . . . to express our profound concern at

the fact that such an act has been possible—an act which strikes a blow at the most sacred foundations of human morality, drawn from Israel's Torah," the Prime Minister said. "There is no people in the world which holds life dearer than the Jewish people, and this means the life of every human being, without distinction of sex, race, religion or nationality." Mr. Ben Gurion quoted the biblical injunction calling for only one law for the stranger and the citizen. ". . . but the stranger living amongst us is to be treated with love." However, stated the Prime Minister, "the Arabs of Israel are not strangers, but citizens with fundamentally equal rights." These "sacred principles have been flagrantly violated in this terrible case. . . ."

The heads of the villages and families affected, reported the Prime Minister, "have shown appreciation of the Government's attitude, its grave concern and its speedy action in the matter." He also pointed out that "quiet reigned" in all parts of the country and that no incidents were created by the minority.[49]

When the Prime Minister concluded his remarks, the Speaker called upon all Kneset members to honor the dead by rising for a moment of silence, after which he adjourned the session. The Prime Minister's announcement once again raised the dilemma of finding a balance between national security requirements and just treatment of the country's Arab minority. None of the nation's press or political groups attempted to condone the massacre. "The act which was committed is so terrible, and offends all rules of behavior of citizens in a civilized state in such a manner that doubt arises whether lawful means of punishment at the disposal of the state, suffices to clean this stain from our name," lamented *Ha-Arez*.[50] It called upon the government to make clear that what happened was in complete contradiction to the policy of the state toward the Arabs, "that such an event will never be repeated, and the perpetrators sinned against the law and against morality; that we all are no less horrified by these events than the villagers themselves." The world would judge Israel by the action of its Government in this affair, warned the newspaper, and it called for a public trial of those involved.

One of the Government's leading supporters, the *Jerusalem Post*,[51] felt that: "The Government's first duty will now be to make certain that no one in Israel, and more particularly no member of the police or armed forces, and no man or woman in a position of authority, could ever again suppose that brutality toward

the Arab population would be condoned, or even hushed up in order to avoid unpleasantness."

The Kafr Qasim tragedy should sound the alarm for the need of purification in Israel's own camp and serve to bring a return to the basic laws of the Torah and commandments to the Jewish people, handed down on Mount Sinai, warned the othodox *Ha-Zofeh*.[52]

At the end of December when the law establishing security zones in border areas was renewed by the Kneset for the seventh year in succession, the Kafr Qasim incident played a major role in the debate.

Criticism of the law was voiced by both Communist and Herut members; the former, because it was too harsh, and the latter because it was too lenient. Herut's Yaacov Meridor[53] argued that, as evidenced by the growth in Israel's Arab population from somewhere between 70,000 in 1949 to 205,000 by the end of 1956, there was a need for greater control, and extension of the military regulations to larger areas, including the Sinai peninsula, then under Israeli occupation. Although in his view the Kafr Qasim incident was a "terrible stain, absolutely shocking," the Border Police were being subjected to unfair criticism in the case.

The General Zionists, although in favor of extending the law for another year, used the opportunity to call for restricting the areas under military rule, and to attack the administration for using military government "as an arm or representative of the ruling party," meaning Mapai.[54]

There were disquieting indications of unrest among the Arabs, warned Yitzhak Raphael[55] of the Orthodox bloc. This was evident in the flight of growing numbers of Arab youth from Israel to the neighboring countries. He urged the Government to appoint a committee to explore possibilities of improving conditions for the minority.

Moshe Erem[56] of *Le-Ahdut ha-Avoda* and Yaacov Riftin[57] of Mapam although recognizing the vital need for security measures, urged that military government be replaced by civil administration in the border areas. They also demanded an inquiry into the "special relationship" of the Arab minority, a relationship which they felt should be ended.

Mapai leader Meir Argov[58] protested that the regulations were "the most liberal possible from the security point of view." In this connection he reminded his listeners of the requirement that

in many matters the military was obliged to consult with special committees and was under the watchful eye of the Kneset's Foreign Affairs and Security Committee in implementing certain provisions of the law.

The Kafr Qasim incident was compared by Gershom Shocken[59] of the Progressives with the Russian atrocities in Hungary. He recalled the similarity between the scenes of Budapest which he had seen in *Life* Magazine with those which might have been observed in Kafr Qasim. "To our great regret, we should be happy that the photographers who took these pictures . . . were not at that time in Israel. . . . There will be no value to this law if we do not guarantee security in the wider sense."

In answering the arguments, the Minister of Justice, Pinhas Rosen[60] of the Progressive Party, warned: ". . . the question of our relations with the Arab minority will not be solved either by laws, or even by the complete recognition of the principle of equal rights. The question is whether or not we will ever be able, possibly in the distant future, to have a relationship based on true brotherhood." He stated that he also agreed with Mapam and *Le-Ahdut ha-Avoda* that military rule should be replaced by civil administration.

Infiltration and Minority Rights

The pressure of hundreds of thousands of refugees concentrated along Israel's borders constantly complicated its security problems. Most refugees believed that they had every legal and moral right to return to their homes on Israel's side of the frontier. However under the provisions of the Nationality Law and the Entry into Israel Law,[61] their return was illegal as long as the sovereignty of the Government of Israel was an established fact.

The conflict between the government's legal position and what the Arabs believed to be a justified moral right, incited many border incidents over infiltration by Palestinians.

Generally Israel's policy was to deal severely with infiltration, but some leniency was shown towards Arabs with close relatives in Israel. (Between 20,000 and 30,000 infiltrators with family ties were permitted to remain.) But the avowed policy was to maintain a closed frontier against returning Palestine Arabs.

On several occasions the effects of the government's policy upon legal Arab residents of Israel were discussed in the Kneset. In July 1950 Sayf al-din al-Zu'bi, of the Mapai-backed Nazareth Democratic List, and Moshe Erem, of Mapam, asked the Kneset to dis-

cuss the deportation of 150 "infiltrators" from the village of Abu Ghush. They included children already accepted in schools and adults with authorized residence permits.[62] Erem accused the army of carrying out the operation callously. Mothers were separated from their children, and many old people were sent over the lines. These actions, Erem feared, would breed hatred and the hope of a war for salvation.

Prime Minister Ben Gurion answered in his capacity as Minister of Defense, threatening to resign if the Kneset reversed the government's stand on infiltrators by allowing them to return. He was determined not to deviate from the policy of deporting illegal entrees. Part of their strategy was to send women and children across the lines to make way for the men who followed. The village of Abu Ghush was a base of smugglers, Ben Gurion asserted, and its elders were uncooperative in eliminating the illegal activity.

In another debate Arieh Altman of Herut calculated that between May 15, 1948 and February 1951, infiltrators caused 3,237 incidents of robbery, theft and destruction costing the state over one million pounds. Along other international frontiers, there had been no more than a dozen or so similar incursions during that period of time. Altman attributed the incidents to the government's slackness and soft policy toward infiltrators.

The Prime Minister agreed that the situation was very serious, but he blamed it on the following factors over which the army had no control: Israel was surrounded on all sides, except the sea, by enemies. There were hundreds of thousands of Arab refugees along Israel's frontiers who could be resettled in the Arab States, but the latter refused to absorb them. There were many Jews and Arabs in Israel who aided infiltrators—some for political and some for economic reasons. "They exploit the infiltrators and give them cover, entice them, protect them and hide them." Ben Gurion threatened to use the most serious measures against both Jews and Arabs who aided infiltrators and to impose collective punishments upon places which concealed them.[63]

Some of the Israeli press criticized the use of collective punishment. Although it recognized the dangers of infiltration, the Mizrahi Daily, *Ha-Zofeh*,[64] advised against collective punishment because its "effectiveness is doubtful, and it always serves to place Israel in an unfavorable light. . . ." Mapam's *'Al ha-Mishmar*[65] recalled that the British had used similar methods. But Israel could limit infiltrators more effectively by increasing the number of Jewish border settlements. "The spirit revolts at such acts, no

matter how strong the arguments in favor of strong measures to check infiltration," wrote the liberal *Ha-Arez*.[66] It compared Arabs who sheltered infiltrators to people who had saved Jewish lives by forging false papers during World War II. *Ha-Arez* realized that the position of the Arab minority would continue to be difficult as long as there was no peace. In its view the only solution was an exchange of Jewish populations in Arab countries for Israel's Arab minority.

The Courts and Arab Residence Rights

The apparently irreconcilable conflict of security problems with minority rights was most evident in the frequent legal clashes between Israel's military and its courts. The army believed that the guarantee of complete legal protection and civil liberty to the country's Arabs would endanger national defense. In view of the unstable border situation, insistence on fully observing the niceties of law would endanger the state.

While recognizing the need for emergency measures, the courts frequently called the security authorities to task for their disregard of the law and of minority rights. In the courts' opinion, national security was the predominant consideration in times of crisis, but they felt that complete disregard of civil liberty endangered the nation's future as much as enemy attacks. Maintenance of legal guarantees by the army was not inconsistent with its primary task of defending the frontiers. The judiciary's outspoken attitude toward the conflict between national security and minority rights, offered proof to the Arabs of Israel that genuine concern about their status did exist among the country's Jews. But it also clearly illustrated that the position of Arabs in the Jewish state would continue to be precarious as long as Israel's relations with its neighbors remained unstable and hostile.

On numerous occasions the courts called attention of the authorities to the arbitrary use of power over Arab residence rights. In a typical case in 1952, the High Court of Justice[67] ordered the authorities not to expel an Arab woman from her husband's home at Kafr Furaidis. The couple were residents of the village, although the wife originally came from Tanturah. In May 1948 all Arabs of Tanturah, including the wife's family, moved to Furaidis. A month and a half after the move, the husband returned from work one day to find that his wife had been expelled from Israel, along with all villagers of Tanturah then residing in Furaidis. After several unsuccessful appeals by the husband to the

authorities to allow his wife to return, she finally infiltrated. An appeal was then made to legalize her residence in Israel, but it was rejected and a deportation order was issued against her.

The government maintained that its deportation order was legal under the Immigration Ordinance of 1941 granting it authority to deport non-citizens.[68]

In the Court's judgment the military had no right to carry out an expulsion order, since it had used its power without proper delegation of authority from the Minister of Defense. The Court declared that the authorities had committed an illegal act by expelling the woman; therefore, they could not prevent her return.

In a similar case[69] an Arab resident, who was forcefully deported, continued to return to Israel and to be deported again. The Court criticized the disorderly manner of the deportation. It also doubted that the law could sanction exile from the country of a man who was born and lived there and did not leave of his own free will. In reviewing the residence status of Arabs who had identity cards but were not automatically citizens, the Court recalled that in a declaration to the Kneset on September 8, 1949, the Minister of the Interior had confirmed the right of anyone who had an identity card to settle in Israel. Such individuals could not be expelled. It was clear that some people entered the country illegally, but many later acquired identity cards without obtaining automatic Israel nationality. If they wished Israel nationality they would have to become naturalized. However, their right to settle in Israel was guaranteed, "if not for theoretical purposes, then for practical purposes."

A dissenting member of the Court emphasized that questions of national security predominated over those of civil liberty. He believed that the Court could not order the army to compromise its primary obligation—protection of the nation's frontiers—in the interest of legal technicalities. In security matters the judgment of the military should not be disputed. They were in a better position than the civil authorities to evaluate the degree of danger involved in infiltration incidents. The dissenting judge said that there was no certainty that the claimant had not maintained illegal contact with his family across the border.

The Courts and Defence (Emergency) Regulations

Under the provisions of the 1945 Defence Emergency Regulations, military judgments were not subject to review. Many cases, however, did reach the High Court of Justice of Israel's Supreme

Court. This was possible because the judicial body took upon itself the right of review under a Mandatory Order-in-Council which authorized the Supreme Court, sitting as the High Court of Justice, to hear and determine "petitions or applications . . . necessary to be decided for the administration of justice."[70]

In Israel the relationship between the courts and administrative tribunals, like those of the army, is based on the English legal system. In cases where the Supreme Court reviews administrative justice, it sits as the High Court of Justice and has exclusive jurisdiction over applications for orders to release persons unlawfully detained in custody and over orders directed to public officers or bodies regarding the performance of their public duties or orders requiring them to do or to refrain from doing certain acts.[71]

The extent to which the Israeli courts delve into English law is evident in the number of English precedents which they cite. However, as in England, the frequency with which the High Court of Justice will review administrative justice is unpredictable. It is largely a matter of statutory interpretation, depending to a large degree upon the terms of the pertinent statute and the subjective mood of the High Court. The court may merely determine whether or not the acts of administrative tribunals are within the jurisdiction of the tribunal. The High Court will not substitute its own verdict for that of a tribunal. Although a statute may categorically state that the decision of an administrative tribunal is not subject to review, the High Court may determine whether or not the action of the tribunal was legal.

Orders of the High Court of Justice to administrative tribunals, except for writs of *habeas corpus,* are strictly declaratory in nature. Compliance with writs of *habeas corpus* is mandatory. However other writs of the High Court of Justice do not always afford the individual a substantial guarantee of his rights. The extent to which other writs are implemented by administrative authorities depends to a great extent upon the willingness of an officer or government body to acquiesce to the High Court of Justice. At most, such writs will provide an immediate remedy for a particular wrong, but will be no guarantee that such an action will not occur in the future.

One of the first cases involving the Supreme Court in a writ of *habeas corpus* reached the High Court in November 1948. An Arab resident of Jaffa appealed to the Court for a writ of *habeas corpus* against the Minister of Defense, the Army Chief of Staff, and the Military Governor of Jaffa.[72] In July 1948 the claimant,

al-Hajj Ahmad Abu-Laban, was placed under house arrest and moved to the Jaffa Central Prison a month later. Abu-Laban applied to the Justice of the Peace for release on bail, but the police detained him for eight more days. Then he was released without being informed of the reason for his arrest. In September Abu-Laban was rearrested. When his lawyer attempted to see Abu-Laban, he was told that his client had been moved to a military prison. The lawyer obtained permission from the Military Police to visit Abu-Laban, but the prison director refused to present the prisoner. Letters to the Minister of Police, the legal section of the Army, and to the Military Governor did not help the lawyer to gain access to his client or to learn the reason for his arrest. He thereupon submitted an application to the High Court of Justice for a writ of *habeas corpus*.

The High Court acknowledged that in time of war the reason for and place of a prisoner's detention could not always be revealed by the authorities. "But in this case we cannot help feeling that there are officials who do not understand that in defending the interests of his client, a lawyer is also doing his duty toward the State, by helping to protect the rights of the citizen. It is the duty of officials to assist the lawyer and not to reject his appeal."

The Court did not question the good faith of the military authorities. It disputed the legality of Abu-Laban's imprisonment, without permitting him to oppose his arrest before the committee established for such a purpose under the Emergency Regulations. "The authorities are subordinate to the law as is any citizen of the state," declared the Court. It reminded the authorities that one of Israel's basic principles was the rule of law. The interests of both the public and the state would be endangered, if the limitations placed upon the emergency powers delegated by the legislature were disregarded. The Court held that the need to preserve civil rights was no less important than national security. Believing that both national security and civil rights could be simultaneously maintained, the Court freed Abu-Laban.

In a protest by eight Arabs that their trial before a Military Court in Nazareth was "contrary to regular trial procedure and the course of justice," the High Court decided in favor of the Military.[73] The lawyer for the Arabs was Muhammad Nimr al-Hawari, a former Arab nationalist leader. He asserted that the trial of his clients had been secret, that they had no opportunity to consult a lawyer, and that there was insufficient evidence against them. Therefore, the army had acted illegally. The High Court

defended the military action in an historic and frequently cited decision establishing the legal validity of Israel's Emergency Security Legislation. It recalled the Defense of the Realm (Consolidation) Regulations of 1914, used in the United Kingdom, as a democratic precedent for emergency regulations authorizing the government to arrest and imprison, without a trial, individuals who might be a threat to national security.

The Court argued that the delegated legislation authorizing emergency regulations was necessary in a modern state to ease the great burden of the legislature. In highly technical matters and those demanding elastic or urgent action, it was essential for the competent government officials to have power of secondary legislation. The legislature, in such cases, would establish the basic principles within which secondary legislation might be enacted, but it left its details to the competent government officials. In the modern state, this procedure was especially necessary during times of national emergency when there was an urgent need to strengthen executive authority. Although the legislature could bestow the power of administrative justice upon the executive, in exercising that power, fundamental civil rights should be kept in mind. The court felt that as long as the executive exercised its power to enact secondary legislation and to execute administrative justice in pursuit of the objectives for which it had received that power from the national legislature, the executive's actions could not be declared illegal.

The Army's attitude toward the case of Iqrit's Arabs gave that village wide notoriety. When the notables surrendered on October 31, 1948, the Israel army occupied the village.[74] On November 8, the inhabitants were requested to leave for fifteen days, because of "security reasons" and most of the villagers left with only enough personal belongings for two weeks. Five years later the army showed no indication of permitting them to return to their homes.

The Court did not dispute the Army's right to evacuate populations in times of siege if conditions demanded such action. On April 27, 1949 siege conditions ended and the military lost their authority to prevent the return of Iqrit's villagers without special orders from the Ministry of Defense, which could declare the area a security zone. However, no declaration was made until September 26, 1949. In the Court's opinion the military illegally prevented the return of the villagers between April 27 and September 26. The verdict ordered the Army to permit return of the vil-

lagers. The Army responded by destroying the village and continuing to prevent the return of its inhabitants.

Although the military often flouted the Court's orders, the spirit of English law pervaded Israel judicial decisions in most cases which dealt with Arabs. The High Court's insistence upon maintaining the technicalities of the law was underscored in the case of an Arab who had fought against Israel. He was directly implicated in the killing of two Jews in December 1947, before the establishment of Israel. Although he was then a policeman, he had denied help to the Jews when their settlement, Negbah, was attacked by neighboring Arabs from Karatiya. The Arab was also implicated in the murder of a district official in 1942, and was an active combatant in the armed forces which fought against Israel. Finding no specific charge after the establishment of the state, the Israel Army arrested and imprisoned him without trial for preventive reasons under provisions of the 1945 Emergency (Defence) Regulations.

Despite the Arab's background, the Court ordered him set free because of a technical flaw in his arrest order.

The Court pointed out that although the arrest was preventive and not criminal, the order had not specified the distinction, and, therefore, contained a "fatal flaw" invalidating detention of the prisoner.[75]

The judgment called attention to the English common law which guarantees individual freedom of movement. Under this law there can be no arrests without a judicial order, except in certain cases specified by the legislature. This principle of English law was applicable in Israel and was in keeping with the spirit motivating the establishment of the state and with Israel's proclamation of independence. In the court's opinion the most important aspect of individual rights was not their declaration but their implementation. In England the problem of individual rights versus the power of government was solved by the creation of the well known judicial remedy called *habeas corpus ad subjiciendum* which every individual had the right to use when illegally arrested. The sole purpose of the remedy was to enable the court to examine, on behalf of imprisoned individuals, the legality of their arrest. If, as in the case cited, the court believed the arrest to be illegal, it was obliged to order the prisoner's discharge.

The difference in the relationship between British courts and administrative bodies and those of Israel is one of attitude. In England this relationship has worked itself out through experi-

ence over the past three hundred years. Today it is an accepted part of the country's unwritten constitution that no administrative tribunal would deliberately flout a court order. In Israel the relationship between the High Court of Justice and administrative tribunals, such as those of the army, has not yet been worked out. Although the spirit of English law pervades the courts and their decisions, it has not yet been accepted by the military. As there is no constitutional authority to implement writs of the High Court of Justice other than writs of *habeas corpus,* they are not legally enforceable, and therefore largely declaratory in nature.

NOTES

1. *N. Y. Times,* Apr. 2, 1957, p. ME-1, (Hanson W. Baldwin).

2. In 1948 the Jewish population of Israel was about 650,000. As of December 31, 1956, the total population was 1,872,390, of whom 1,667,445 were Jews. *Facts About Israel,* Israel Office of Information, (N. Y.), 1957, p. 37.

3. At the end of November 1956 the population of the Arab and smaller non-Jewish communities in Israel numbered 203,555, or about 11 percent of the population. *Facts About Israel,* Israel Office of Information (N. Y.) 1957, p. 45.

4. U.N.G.A. OR (5th session) Supp. no. 18, op. cit., p. 12, para. 5.

5. *Ibid.,* p. 12, para. 3(b).

6. *Ibid.,* p. 14, para. 16; p. 16, para. 31.

7. *Ibid.,* p. 15, paras. 23(a), 24.

8. Zionist Organization, Executive, *Resolutions of the 22nd Zionist Congress* (Jerusalem, 1947) p. 16, Resolution no. 10, Arab-Jewish Relations.

9. Jewish Agency for Palestine, *The Jewish Case Before the Anglo-American Committee of Inquiry on Palestine:* Statements and Memoranda (Jerusalem, 1947), p. 43.

10. *Ibid.,* pp. 71-72.

11. U.N.G.A. Resolution 181 (II): *Plan of Partition with Economic Union* (Part I) Future Constitution and Government of Palestine, Nov. 1947, p. 8.

12. Israel Government, *Laws of the State of Israel* (Authorized English Translation) Vol. I, Ordinances, 5708-1948, p. 5.

13. *Ibid.,* p. 7.

14. The last Government census prior to the end of the mandate was in 1931. Then there were 759,700 Muslims; 174,606 Jews; and 88,907 Christians. The last official estimate was in 1944 when there were 1,061,277 Muslims; 553,600 Jews; and 135,547 Christians (Palestine Government, *Survey of Palestine 1945-1946,* Vol. I, Chapter VI, Table 1, p. 141). On the basis of these figures estimates for May 1948 indicate that there were about 1,380,000 Arabs, 700,000 Jews, and 35,000 others in Palestine.

15. Israel Government, *The Arabs in Israel* (1952), p. 1; U.N.G.A. OR (2nd session) Supp. no. 11, Vol. I, pp. 11-13.

16. The Druze are a favored Arab religious minority who receive special attention from the Israel Government. Many Druze fought in the Israel army against the neighboring Arab countries and today there are several hundred Druze soldiers and officers and a few Druze units within the Israel armed forces. Today there are between 18,000 and 20,000 of them living in 18 village communities.

17. Israel Government, *ibid.,* p. 10; Israel Government, *Statistical Abstract of Israel no. 3,* (Jerusalem, 1951/52) p. XII; refugees in Israel, *Supra,* footnote 1, p. 29.

18. The last official census of Israel was in 1948. Recent official estimates of the country's non-Jewish population follow:

	Town	*Country*	*Beduin*	*Total*
Muslims	22,000	94,000	22,000	138,000
Christians	31,000	14,000	——	45,000
Druze	——	20,000	——	20,000
Total	53,000	128,000	22,000	203,000

From: *Facts About Israel,* 1957, p. 45.

19. Israel Government, *Laws of the State of Israel,* Vol. I, p. 8; regulations were published in *Reshumot, Qovez ha-taqanot* (Collection of Regulations) 1949, pp. 169-70.

20. General William Riley, Chief of Staff of the UN Truce Supervision Organization first reported the expulsion of Beduin from the Negeb area. (S/1797—Sept. 18, 1950). The question was taken to the UN Security Council, which, on November 17, 1950, called upon the parties concerned to abide by any finding of the UNTSO. The Israel-Egyptian Mixed Armistice Commission adopted a resolution on May 30, 1951 in which it estimated that between 6,000 and 7,000 Beduin belonging to six subtribes of the 'Azazima tribe had been expelled, and called for their repatriation. Israel appealed the decision to a Special Committee provided for under the Israeli-Egyptian Armistice Agreement. However the appeal is pending since the Special Committee has never met and the expellees remain unrepatriated. (S/2388, Section I, para. 2; S/PV.635, pp. 28, 36.)

21. *Infra,* p. 191-192.

22. Palestine Government, *The Palestine Gazette,* no. 1442 of Sept. 27, 1945, Supp. no. 2, (pp. 1055-1098) was a codification of existing legislation, most of which dated back to the 1936-39 period of Arab political unrest.

23. *Divrei ha-Kneset,* Vol. VI, pp. 2181-83; Vol. VIII, pp. 732-35; Vol. X, pp. 614-22, 733-56.

24. *Ibid.,* Vol. IX, pp. 1828-31. The principal motivation of most supporters of the resolution was fear that the regulations might be used by the Government to suppress political dissidence.

25. *Ibid.,* Vol. XI, pp. 1270-78.

26. Ahdut ha-Avoda-Poalei Zion was part of Mapam between 1948 and 1954. The two parties then split over foreign policy issues. In the present Kneset, as a result of the 1955 election, Mapai has 40 of the 120 seats; Ahdut ha-Avoda has 10; and Mapam 9.

27. Israel Government, *Government Year-Book* (English edtion) 5717 (1956) pp. 30-31.

28. *Weekly News Bulletin,* vol. III, no. 3, March 22, 1956 (Israel Office of Information, N.Y.C.).

29. *'Al ha-Mishmar,* Mar. 14, 1956.

30. *Ha-Arez, Jerusalem Post,* Sept. 23, 1956.

31. Friends of Jewish-Arab Association for "Peace and Equality," Bulletin #1, Jan. 1957 (N.Y.C.); *Israel Horizons,* Vol. 4, no. 7, pp. 16-17, 30; no. 9, pp. 6-10.

32. *N. Y. Times,* Apr. 8, 1957.

33. Israel Government Press Office, *Israel Weekly Survey* (Jerusalem) July 11, 1957, vol. 1, no. 45, p. 1288; *N. Y. Times,* July 8, 1957.

34. *Jerusalem Post,* Aug. 2, 1953.

35. *Ibid.,* Aug. 6, 1953.

36. *Ibid.,* Aug. 9, 1953 (Gerda Luft, "This Week In the Kneset").

37. *Ibid.,* Aug. 6, 1953; *Divrei ha-Kneset,* Vol. XIV, p. 2149.

38. *Jerusalem Post,* Sept. 1, 1953.

39. *Ibid.,* Sept. 2, 1953.

40. *Ibid.,* Oct. 30, 1953.

41. *Ibid.,* Nov. 11, 1953.

42. *Ha-Dor,* Aug. 13, 1953.
43. *Jerusalem Post,* Aug. 11, Sept. 7, 1953.
44. *Ha-Boqer,* Aug. 3, 6, Sept. 6, 1953.
45. *Ha-Arez,* Aug. 3, 10, Sept. 4, 1953.
46. *Qol ha-'Am,* Sept. 4, 1953.
47. *Herut,* Aug. 10, 1953.
48. *Ha-Modia,* Sept. 3, 1953.
49. Jewish Agency, *Digest of Press and Events,* Vol. X, No. 16, Dec. 20, 1956, pp. 486-487; *Jerusalem Post,* Dec. 13, 1956, *Ha-Arez,* Dec. 13, 1956.
50. *Ha-Arez,* Nov. 14, 1956.
51. *Jerusalem Post,* Dec. 13, 1956.
52. *Ha-Zofeh,* Dec. 13, 1956.
53. *Divrei ha-Kneset,* Vol. XXII, pp. 541-543 (Dec. 24, 1956).
54. *Ibid.,* pp. 543-544.
55. *Ibid.,* p. 544.
56. *Ibid.,* p. 545.
57. *Ibid.,* p. 545-546.
58. *Ibid.,* pp. 547-550.
59. *Ibid.,* pp. 550-551.
60. *Ibid.,* pp. 551-552.
61. Israel Government, *Reshumot, Sefer Ha-Huqim,* 1952, pp. 354-56, no. 111: The Entry into Israel Law regulates the entrance into Israel of all individuals who are not Israel citizens or who do not enter the country in accordance with the provisions of the Law of Return. The Law of Return applies to Jewish immigrants only. All individuals entering the country must do so at border stations established by the Ministry of the Interior, and in accordance with the procedure determined by the Ministry; *Infra,* pp. 194-203.
62. *Divrei ha-Kneset,* Vol. VI, pp. 2151-54.
63. *Ibid.,* Vol. X, pp. 501-02.
64. *Ha-Zofeh,* July 10, 1950.
65. *'Al ha-Mishmar,* July 10, 13, 1950.
66. *Ha-Arez,* July 12, 1950.
67. Israel Lawyers' Society, *Psaqim shel Bayt ha-Mishpat ha-Elyon be-Israel* (Judgments of the Supreme Court of Israel) (Tel-Aviv), 1953, booklet no. 1-2, pp. 42-45, file no. 227/52.
68. Palestine Government, *Palestine Gazette Extraordinary,* no. 1082 of Mar. 6, 1941, Immigration Ordinance no. 5, pp. 6-18: Article 10 stipulates that: "The High Commissioner, or any officer authorized by him by order, may make an order for the deportation from Palestine of any person who is not a Palestinian citizen and may by such order require the person to leave and to remain thereafter out of Palestine . . . if he is found in Palestine not having obtained permission to enter the country in accordance with the provision of this ordinance. . . ."
69. Israel Lawyers' Society, *op. cit.,* 1953, booklet no. 13-14, pp. 391-425, file no. 8/52; see also booklet no. 7-8: 9-10, pp. 246-47, file no. 54/53; pp. 255-57, file no. 253/52.
70. Robert Harry Drayton (editor) *The Laws of Palestine,* Vol. III, revised edition (London, 1934), p. 2579.
71. Palestine Government, *The Palestine Gazette,* No. 31 of 1940 (supp. no. 1), no. 1032 of July 25, 1940, p. 144.
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73. *Ibid.,* 1951, booklet no. 11-12, pp. 382-84, file no. 13/51.
74. *Ibid.,* 1951, booklet no. 13-14, pp. 461-66, file no. 64/51.
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CHAPTER VII

Israel's Arab Minority and Social Integration

SINCE ONE touchstone of full minority equality in a modern democratic state is security of citizenship status and residence rights, the Arab citizens of Israel have complained that the insecurity of their residence rights proved that they had but second class citizenship.

Legal Residence and Nationality of Arabs in Israel

The peculiar nature of Israel, by definition a Jewish State, inherently endowed its Jewish residents with prerogatives which could not belong to non-Jews. These prerogatives were stated directly or implied in such international documents and proclamations as the League of Nations Mandate for Palestine and the United Nations General Assembly resolution recommending the establishment of a Jewish State. They were asserted in Israel's Proclamation of Independence, which set forth the establishment of a Jewish State "which will be open to Jews from all countries of their dispersion." The Nationality Law of 1952 and the Law of Return of 1950 legally confirmed the special Jewish prerogative to acquire Israel citizenship.

The Nationality Law[1] made possible acquisition of Israel citizenship by: (a) return; (b) residence in Israel; (c) birth or (d) naturalization.

Citizenship by "return" was conferred upon every Jew entering Israel under the Law of Return (5710-1950). A person born in Israel whose father or mother was an Israeli national could acquire citizenship by birth. Non-Jews could be naturalized if they lived in Israel, were there for three out of the five years preceding the date of their application, were entitled to permanent residence in Israel and had settled or intended to settle there, had some knowledge of the Hebrew language and had renounced their prior nationality or had proved that they would cease to be foreign nationals upon becoming Israeli nationals. If a person met these requirements, "the Minister of Interior, if he thinks fit to do so, shall grant him Israel nationality by the issue of a certificate of naturalization."

Residence in Israel entitled non-Jews to citizenship if, immediately before establishment of the state, they were Palestine citizens who were registered on March 1, 1952 as inhabitants under the Registration of Inhabitants Ordinance of 5709-1949, inhabitants of Israel on the day the law came into force in Israel, or in an area which became Israeli territory after the establishment of the state, from the day of the establishment of the state until the day the law came into force, or entered Israel legally during that period. Non-Jewish inhabitants of Israel born after the establishment of the state, and whose father or mother became Israeli nationals could be considered Israeli nationals from the day of their birth.

The Nationality Law automatically entitled every Jewish resident of Israel to citizenship. Legal Arab residents could obtain automatic citizenship if they had registered on March 1, 1952, and could prove that they had been Palestine citizens. Otherwise, even if they were born in the country, they had to be naturalized like non-Jews entering Israel.

The underlying principles and motivating spirit of the Nationality Law were explained to the Kneset by Prime Minister Ben Gurion. He said that it was complementary to the Law of Return. It enabled every Jew who came to Israel to acquire citizenship without undergoing any formal procedures except to express the wish to settle and live in the country. "These two laws together . . . are the 'charter' which we have promised to every Jew in exile, who comes to the State of Israel." They confirmed that: "This is not only a Jewish State, where the majority of the inhabitants are Jews, but a state for all Jews, wherever they are, and for every Jew who wants to be here. . . . This right is inherent in his being a Jew." The nationality law was one cornerstone of the state's foundation. Nevertheless, the Prime Minister asserted, "in the State of Israel, Jews do not have any priority over non-Jewish citizens. The State of Israel is founded upon complete equality as far as obligations and rights are concerned for all citizens." Creation of the State of Israel did not give the Jews in the *"galut"* (exile) the right to "return." "This right preceded the State of Israel and it built the state. This right is rooted in history, which never separated the people from its homeland" and was acknowledged in fact and theory by other nations.[2]

No Arab Kneset member disputed these principles. Even the law's most severe critic, the Arab Communist Tawfiq Tubi, ac-

knowledged that the right of automatic citizenship should be granted to "returning" Jewish immigrants.[3]

But the Arabs did protest against the specific discriminatory provisions of the law, concerning acquisition of citizenship by non-Jews. The conditions required of an Arab to prove his citizenship rights by "residence" were in practice very difficult to fulfill. Most Arab residents had no proof of Palestine citizenship, which could be established only by possession of a Palestine passport or identity card. Under the Mandate, only the small proportion of Arabs who traveled abroad had passports. Large numbers of Arabs who had possessed identity cards either lost them or surrendered them to the Israel Army during, or immediately after, the war. Many Arabs were not included in the Registration of Inhabitants because careless registration authorities by-passed many Arab villages. (The Minister of the Interior promised to register some of them at a later date.) There was also a deliberate attempt not to register many villages. Many Arabs possessed only temporary residence permits or military certificates of residence. Arabs who passed these obstacles had to prove that on the day the Law came into force they were residents of Israel, a term which had not yet been clearly defined and was, therefore, subject to the interpretation of the Minister of Interior or his subordinates.[4]

All Arab Kneset members, and Jews who supported their criticism of the law, protested that Arabs who applied for naturalization were required to have "some knowledge of the Hebrew language." In view of the fact that Arabic was an official language of Israel, they proposed amendments either to eliminate the Hebrew language requirement, or, in the case of Arabs, to give the Arabic language equal status for purposes of acquiring citizenship.[5]

Opponents of the law feared abuses of the power given to the Minister of Interior, "if he thinks fit to do so . . . [to] grant . . . Israel nationality by the issue of a certificate of naturalization." They proposed to eliminate that clause of the bill.

Arab Kneset members and their supporters also urged that all individuals who were born in the country automatically receive Israel nationality. This was required according to the U.N. Partition Resolution 181 (II) which stated that: "Palestinian citizens residing in Palestine outside the city of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon recognition of independence, become citizens of the State in which they are resident

and enjoy full civil and political rights." (Chapter 3, article 1.)

Sayf al-din al-Zu'bi, of the Mapai-backed Nazareth Democratic List, termed the law a "final blow to the remnant of Arabs in Israel."[6] The Communists opposed the legislation, which they compared to the "racist law of South Africa or to the anti-Negro legislation of the 'American Democracy'. . . ." They threatened to unite Israel's Arab citizens "in the common struggle against the Law's racist principles and against the Government's policy of national suppression, which is dictated by the imperialistic warmongers from Washington."[7]

The Minister of Interior, Moshe Shapira of the Religious Workers' Party, defended the legislation. He asserted that the law's purpose was not to discriminate against the Arabs, but to give them equal status. However, precautions were needed to protect the state as well as individuals.[8] In Palestine, under the Mandate, there were many Arabs who were not citizens and measures had to be taken to prevent them from acquiring Israeli citizenship. "I hope I will not offend anyone by saying that we are acting very liberally—even to the point of endangering the State." In Shapira's opinion many attacks against the law heard in the Kneset were incitements to murder on Israel's borders. The Nationality Law was intended to protect both the citizen and the state against such occurrences. Therefore the government would defend it with a clear conscience.[9]

Mapai member Arieh Bahir[10] denied that registration requirements were too severe. All Arabs in Nazareth and Galilee had obtained identity cards. But they would have to realize that they could not receive the same right of automatic citizenship which was given to Jewish immigrants by the Law of Return.

Yitzhak Ben Zvi, later to become the second President of Israel, defended the requirement that naturalized Arabs "have some knowledge of the Hebrew language."[11] Anyone could learn the language. Even Tawfiq Tubi had learned it.

Since the Minister of Interior was the most competent authority to determine citizenship matters, he required administrative discretion, asserted Izhar Harari of the Progressive Party.[12] He believed that there was no danger in granting wide authority to the Minister.

After the Law was passed by a vote of 43 to 17, the Minister of Justice announced that the government would propose amendments if injustices came to light during its implementation. He explained that racial discrimination stemmed, not from the Na-

tionality Law, but from the Law of Return, which endowed every Jew with the right to come to Israel.[13] Any discrimination in the Nationality Law was not racial but intended to distinguish between those whose loyalty to Israel was accepted and those who had to prove it. A special office for this purpose was set up by the Minister of Interior. It was responsible to the Cabinet for implementation of the Law among Arabs. According to the Minister of Justice, all but 2,000 to 6,000 Arabs would automatically become citizens on July 14, 1952, the date on which the Law went into effect.

The Communists, on the other hand, estimated that the Nationality Law would bar half the country's Arabs from citizenship.

Nazareth, Israel's largest Arab community, declared a general strike against the "discriminatory clauses" in the new legislation. A meeting led by the President of the Communist-dominated Israel Arab Workers Congress decided to send a delegation to the capital, together with delegations from all other Arab areas, to voice the minority's objections. The Nazareth delegation included representatives of the Communist Party, Mapam, the Union of Workers, the Muslim Sports Club, and other non-Communist groups. The Israel branch of the League for Human and Civil Rights, a national intercommunal organization, also organized protest meetings. In the Arab sections of Haifa and Acre, and in the Arab villages of Western Galilee, protest demonstrations were organized on a wide scale.

The Nationality Law had sacrificed an opportunity to establish better rapport between the Arab minority and the state, commented *Ha-Arez,*[14] a staunch supporter of civil rights. The law was only further proof that the Government's policy was pushing Israel's Arabs into the camp of the extreme left. *Ha-Arez* supported the grant of automatic citizenship to all Arabs who had Israel identity cards. The demand that Arabs be required to have some knowledge of Hebrew was unfair. ". . . is the State interested only in those Arabs who show a tendency to assimilate Jewish culture?" The newspaper again reminded the Kneset of the Jewish struggle for minority rights in the dispersion. "Remember that ye were strangers in the land of Egypt." To the editors, it seemed that the lesson of how to curtail minority rights had been learned too quickly.

More than two years after the Nationality Law came into effect, only half a dozen Arab residents had made application for citizenship.[15] In some government quarters this was regarded as a sign of

Arab apathy. To groups which supported minority objections, it was interpreted as passive resistance against the discriminatory aspects of the Nationality Law.

Other Areas of Sensitivity

The differences in social structure and in traditions of communal organization which divided Jews and Arabs caused much misunderstanding in Israel. The conservative segment of the Arab community, which remained in the country after the flight, possessed an Islamic, Turkish and British mandatory heritage. It naturally resisted the new methods of public administration introduced by the Israeli Government. The appointment of a Jew by the Ministry of Religious Affairs to control the religious foundations, *awqaf* (religious trusts), and other functions of the former Muslim Supreme Council aroused much resentment among the shaykhs, qadis, and imams of the Muslim community, who referred sarcastically to their new employer as "Mufti Hirshberg" (the first government-appointed director of Muslim affairs). They felt particularly resentful since this had been a prerogative which they had exercised during the Mandate and which they felt had been assured to them by article 9 of the Mandate for Palestine which stated that "the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders."

All sections of the Israel Arab community protested vigorously against the government's discriminatory seizure of 40 per cent of their land. Land in Military Government areas was seized by the authorities under the Defense (Emergency) Regulations of 1945 "in the interests of the public safety."[16] The Minister of Agriculture requisitioned land under the Emergency Regulations (Cultivation of Waste Lands) Ordinance.[17] The Custodian of Absentee Property took control of about 300 thousand *dunums* belonging to Arab residents of Israel, as well as much of their urban property. Seizure and distribution of this land to various Jewish settlements or organizations was legalized by the Land Acquisition Law of 1953. This also, Arabs felt, was not in accord with the partition resolution which stated (Chapter 2, article 8) that: "No expropriation of land owned by an Arab in the Jewish 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."

Arabs also protested that for several years they received un-

equal prices for agricultural products and lower wages for their labor, although most such inequalities were ended in 1952. Until then, the government asserted that differences in agricultural prices were used to compensate for the Arab community's failure to carry its share of the tax burden since almost no income tax and only a negligible property tax were collected from the Arab community. An official spokesman declared that in Arab villages with no local council, the government provided seventy-five percent of the education budget, whereas the Jewish community received only fifty-five percent from the government. New wells, roads, and irrigation facilities were also provided with the funds collected from the price differential.

In March 1952, the Cabinet decided to: equalize Arab and Jewish wages and prices; centralize Arab village production at collection centers which would collect and market Arab produce; encourage development of Arab producers and marketing cooperatives and restrict the issue of transport licenses for Arab produce to one or two firms which would purchase produce from collection centers at a price equal to that paid for Jewish produce. The purpose of the monopoly was to "assure regular supplies and stop . . . the black market. . . ."[18]

Many Arabs complained that the Ministry of Labor and Public Works maintained separate labor offices for Jews and Arabs. The government argued, however, that segregated labor exchanges helped the Arabs. The Minister of Labor and Public Works felt that "by establishing special exchanges for the Arab workers their share of employment would be better assayed."[19] Other reasons for separate offices were difference in language and "psychological pressure." A government spokesman acknowledged that in times of economic stress, when unemployment was great, pressure was exerted on the labor exchanges by Jewish unemployed workers. He feared that there might be a tendency to discriminate against Arab laborers in mixed labor offices. Such was the case in the latter half of 1956 when, during an economic crisis, several hundred Arabs were dismissed to provide jobs for Jewish unemployed.[20]

Arabs were not admitted to full membership in the Histadrut (Israel General Federation of Labor) until April, 1957. Until May 1953 they were organized in separate Arab Labor organizations, the Histadrut's Israel Labor League and the Communist-controlled Arab Trades Union Congress. In May 1953 the Histadrut executive unanimously voted to accept Arab workers into its affiliated trade unions. General registration was opened for three

months to all Arabs who were not members of Communist Labor organizations. A special Arab department was established in the Histadrut's Trade Union Section to supplement the work of the organization's existing Arab Affairs Department. Members of the Israel Labor League were automatically regarded as Histadrut members in determining seniority although they did not yet receive full membership privileges. Workers who resigned from the Trades Union Congress were eligible for membership in the Histadrut's trade unions.

The decision entitled Arab workers to membership in the Histadrut's Mutual Aid organization, its sick fund and its labor exchanges (government labor exchanges continued their policy of segregation). The Histadrut followed through on its decision by exploring the possibility of using money from its unemployment fund to initiate work projects for the relief of Arab unemployed.

The General Secretary of the Histadrut, Mordecai Namir, welcomed the decision because his organization realized that the problem of Arab-Jewish labor solidarity could best be solved by a common Arab-Jewish trade union body in which Arab workers would enjoy equal rights and duties with their Jewish comrades.

The press hailed the move as a first step toward integrating the Arabs into the nation's life. It was "probably the most important step of this kind since the State came into being . . ." wrote the *Jerusalem Post*.[21] Some newspapers felt that the Histadrut decision could serve as a "lever towards friendly relations" with Israel's Arab neighbors. But this was only a beginning.

Davar[22] now called upon Jewish workers to overcome their psychological prejudices and to welcome the Arabs without reservation. The next step, according to the *Post,* would be for the Arab worker to find a place among the elected officers and committees of the organization "so that he can look upon his membership as something better than formal registration."

Even the Communist Trades Union Congress welcomed the Histadrut's decision as "a further step to Arab-Jewish labor unity." To help make it possible for its members to join the Histadrut organizations, it decided to end its own trade union activities.[23]

By the end of the three month period during which Arabs were invited to join Histadrut unions, about 11,600, or nearly two-thirds of the country's Arab laborers, applied for membership.[24]

Non-Jews were not admitted to full membership in the His-

tadrut prior to 1957 because it was considered not merely a trade union, but an organization for the development of "a Zionist Socialist society." Since the Histadrut was affiliated with the World Zionist Organization and promoted its aims, including Jewish immigration and settlement in Israel, its leaders had felt that Arabs could not be expected to support the full program.

After April 1957 Arabs who had served in the Israeli armed forces became eligible for full membership in the labor organization. Reuven Barkat, head of the Histadrut's Arab affairs department explained the change as a result of the "greater identification between the Histadrut and the state. Those who elected to identify themselves with the state by serving in the armed forces deserve the rights of full citizenship, and that includes the right of membership in the Histadrut."[25]

Since most non-Jewish members of the Israeli armed forces were Druze, the new policy would affect mostly members of that community of 18,000 to 20,000 persons.

By the end of 1956 about a quarter of the more than one hundred Arab towns and villages in Israel had some measure of local government.[26] About a third of Israel's Arab population lived in towns or villages with municipal or local councils. (This included Nazareth with 20,000 people.) The councils, under supervision of the Ministry of Interior, organized financing and maintenance of the water supply, school buildings, street cleaning, dispensaries, and other village services.

Most local councils were elected by the end of 1956. The others were government appointed. The latter would be replaced by elected ones, "when the villagers have gained more civic experience,"[27] announced the Ministry of Interior.

There was little confidence in the ability of the Arab communities to govern themselves in some government quarters. In an interview with the press in February 1953, the Prime Minister's advisor on Arab affairs (then Joshua Palmon), expressed the opinion that it was unnecessary to allow Arabs to elect their local councils in a democratic manner. "Democratic elections will only augment family feuds and are not in keeping with the existing conditions in the Arab community. The establishment of local councils is also bound to lead to bloodshed. In the Arab community one must choose a 'middle road' of not-too-much democracy."[28]

The fundamental difference in outlook between village elders and officials of the new state created basic difficulties in establish-

ing local councils and extending self-government among the Arab communities. In Palestine, under the British Mandate, the government to a large extent supplied the services of the Arab community, especially in rural areas. Education, roads, health services, wells and pumps were introduced by the Mandatory Government, mostly at its own expense. No rates were collected and the only direct government income from the villages was a nominal property tax.

In the Jewish community a tradition of self-taxation developed to finance the highly integrated system of social services, which its national institutions supplied. When the State of Israel was established this practice continued to be the basis for financing many services taken over by the government from the Jewish National Institutions (Jewish Agency and National Council).

Although there was no such tradition in the Arab community, the new Jewish state expected it to pay through a system of rates for services which the Mandatory Government had supplied as a matter of course. Adoption of a rate system to finance village services was one of the prerequisites which the new state required for local government. The difference in interpretation of responsibility led to many acrimonious disputes between the Arab villages and Jewish officials. Many Arabs felt that something which was theirs during the Mandate was taken away in a discriminatory manner by Israel.

Bitter disputes between the Arab community and the Israel Government over the financing of public education grew out of this difference in interpretation. Arab villages in most instances had paid for their own school buildings during the Mandate. During and after the war the villages assumed increasing responsibility for maintenance but most other costs of education were carried by the government. The new Jewish government demanded that the villages pay for their own school buildings and contribute such costs of operation as teachers' salaries and school supplies.

The government answered Arab opposition to payment for education with a poll tax. In many cases the authorities tried to force collection by attaching the property of resisters. Until April 1953, the tax was between £13 and £15 per head annually. After the general economy drive which resulted in reduction of the government's share in teachers' salaries, it rose to as much as £122 per head. This sudden sharp increase precipitated strong opposition, and in many cases strikes against the government took place.

Positive Changes in Israeli Arab Society

If a visitor to the Arab villages of Palestine before the establishment of the State of Israel were to return today, he would find few external changes. Their inhabitants still wear the *aba* and *kufiyah*. They continue to live in the same square one-room houses, of either stone or mud brick. The ancient, round, flat loaf of bread is still the mainstay of Arab diet. The slow tempo of life is still determined by the agricultural seasons. But beneath these external phenomena inevitable changes have been set in motion by the direct and indirect influences of the new Jewish social, economic and political organization of the country.

The egalitarian trends of Israel's socialist orientation have sent tremors through the old patriarchal structure of the country's Arab society. Today that structure is beginning to disintegrate. Economic, political and social power in the Arab community is no longer exclusively concentrated in the hands of a relatively small group of great land-holding families, many of whom fled in 1948. According to an agricultural census of 12,619 farms, taken in 1950 by the Ministry of Agriculture (excluding farms of less than five *dunums* and the Beduin of the Negeb, for whom data on land tenure was not available), 65.1 percent of the farms were fully owner-operated; 30.5 percent was partly owned and partly rented and only 4.4 percent were operated on totally rented land. Of all the farm land, 78.5 percent was owner-operated.[29]

The Custodian of Absentee Property dealt a further blow to the old land-holding system when he leased 100,000 *dunums* to Arabs. The move resulted from pressure by the Arab minority, Jewish political groups sympathetic to the minority and government failure to recruit enough Jewish settlers to farm all cultivable absentee land. About 5,000 Arab families—between 25,000 and 30,000 people—in nearly 100 villages were granted yearly leases of 20 *dunums* each. In most cases the land was leased in exchange for property commandeered by the Custodian. This method of distributing land in equal parcels, regardless of the property formerly owned by the leasee, had a leveling effect upon the land tenure system, although it was strenuously opposed by former large land owners.[30] It was no longer possible to gain economic control of the *fallah* by harnessing him to an insufferable burden of debt. The Israel Ministry of Agriculture replaced the village money-lenders with loans at low rates of interest.[31] In 1950-

51 it lent the Arabs £I213,000 to buy seed, tools and working animals for tobacco planting. Seasonal loans for various crops grown by Arab farmers reached a total of £I600,000 by 1956.[32] Loans were also made by cooperative societies organized in the Arab villages through the Israel Labor League.[33]

The most important reason for growth of Arab agricultural income was the relatively great value of Arab produce in Israel's hard-pressed national economy. In 1952 the Arab sector supplied about seven per cent of the vegetables, forty percent of the olives, ninety-six percent of the tobacco and nearly thirty percent of the grain produced in the country. Nearly one-quarter of the four million *dunums* of land under cultivation was farmed by Arabs. (About half of the total one million *dunums* of Arab farmed land was worked by Beduin tribes in the Negeb, using primitive methods of extensive cultivation.)[34]

When the Arab peasant began to receive equal prices for his produce, his annual income became relatively larger. According to officials who dealt with Arab affairs in the Ministry of Labor, Arab farmers were earning £I300 from one *dunum* of onions and £I900 per *dunum* of pomegranates in a single year. Basing their figures on statistics compiled from excise duties, they estimated that in 1953 the village of Julis with about 1,200 inhabitants earned £I750,000 from the sale of tobacco. The village of Jatt with a population of approximately 1,000 earned £I250,000 from the sale of apricots. According to an unpublished survey of five villages made by the Ministry of Agriculture, the average farmer worked 200 days a year for an average income of £I2.5 per working day. Government officials claimed that the Arabs obtained additional income from labor in public works and quarries, the employment of wives and children by other farmers, and the sale of produce on the black market. The government unofficially estimated that the average Arab farmer had a substantial cash balance of about £I650 after meeting his annual costs.

Increased income was accompanied by a 100 percent expansion in the area of irrigated Arab land. Of the 1,000,000 *dunums* farmed by Arabs in 1953, only 6,000 were irrigated before establishment of the state. In 1953, 12,000 *dunums* were being irrigated. By 1956 the figure was more than 22,000 *dunums*.[35]

After the state was established, there was increased farm mechanization and greater use of modern agricultural techniques in the Arab community. In 1953 machinery was used on 80 percent of Arab land which could be mechanically farmed. In addition to

tractors rented from Jewish settlements, there were reported to be between 40 and 50 Arab-owned machines in operation. At al-Tayyibah the Ministry of Agriculture established a tractor station with six machines. Greater consumption of chemical fertilizer, wider use of new planting and breeding methods, rehabilitation of poultry farming, more frequent consultations with experts from the Ministry of Agriculture, and extended membership in agricultural marketing and producers cooperatives helped to revolutionize the Arab economy.

When the Arab Workers and Farmers Fund, main arm of the Histadrut's cooperative movement in the Arab community, met at the end of 1956, it was faced with a crucial question—whether or not to continue its existence. Figures of the Ministry of Labor's cooperative department showed a sharp decline in the number of and membership in Arab cooperative societies affiliated with the Histadrut. In 1954 tens of thousands of Arabs belonged to some 54 societies, but by the end of 1956 the figure dropped to 24 societies with no more than 1,800 members. Membership in the Arab Workers and Farmers Fund had remained static at about 4,500 for several years. Many felt that organization of cooperative movements among the Arabs was premature, and that it would be wise to discontinue efforts for a decade or more. Others held that Arab confidence could be won by organizing agricultural workers and limiting activities to small-scale projects which were more within the ken of Arab farmers. Above and beyond this, it was felt by some that merging Arab societies with the existing Jewish organizations would help the former to make greater progress.[36]

In Arab rural areas there was increased road building. Several hinterland villages were connected with main centers of communication. Supplies of drinking water began to be furnished to rural villages. One or two established local infirmaries; in a few there were social welfare centers under the direction of the Ministry of Social Welfare.

Education underwent the most pervasive change in Israel's Arab society. Its increase after 1950 could only have a positive effect in raising the social level of the Arab minority to that of the Jewish majority, but the Arab community criticized a deterioration in its quality that was due to shortages of teachers and supplies. There was no great increase in the Arab population after 1948, but its educational services more than doubled by 1956. The number of Arab state primary schools maintained by the govern-

ment in conjunction with local authorities increased from 59 to 115; that of teachers from 250 to 846; and pupils from 10,000 to 26,500. Nearly every Arab village had its own school in 1956.[37]

The proportion of girls in Arab schools rose from a quarter in 1949 to more than 40 percent in 1956, even though there were still about 9,000 Arab girls without schooling. Most of the 115 Arab public schools were coeducational, with mixed staffs of male and female teachers. This unusual innovation was the outcome of practical difficulties—lack of school premises, shortage of qualified women teachers and the small number of girls in the middle and higher grades.

Due to shortages of qualified Arab instructors in Israel, a few of the teachers of Arab children were Jews. To cope with this situation, the Ministry of Education made attempts to develop supervisory services and to establish intensive courses for training Arab teachers. A real solution could not be expected without sufficient Arab secondary schools and teachers' colleges—a long term development. By 1956 there were six Arab secondary schools under Government supervision with 30 classes, 49 teachers and 883 pupils (804 boys and 79 girls).[38]

Lack of sufficient textbooks and teaching materials and the introduction of new methods also hampered Arab educational development. Traditional Arab education did not aspire primarily to develop the child's own personality, but rather to encourage imitation of adult behavior. The most characteristic expression of that trend was the excessive value set upon memorizing and similar formal exercises, practices which the Israeli authorities attempted to replace by Western methods.

The impact of changes in education, agriculture and social services was greatest upon the material aspects of Arab rural life. The Arab rural standard of living was almost raised to the level of that of urban Arabs by the large-scale extension of government services. On the other hand, political factors and the leveling effects of austerity contributed to equalizing rural and urban living conditions, and to creation of a large measure of equality among the villagers themselves. The example of the Jewish population and the contributions of many officials, who administered government services according to Western professional and social principles, slowly helped to instill among the villagers concepts which they had little opportunity to learn before the establishment of Israel.

Although the foundations of the old land-holding system were

shaken, the Arab community was still only on the threshold of the transformation into a modern society. Some preconditions for the kind of democratic life prevalent among Jewish Israelis were established, however. After the Arab community lost its leadership, the gates were opened for youth actively to participate in public life and to take up the offensive against the traditional social ills of Arab society. Nevertheless, in areas connected with political and security problems, there continued to be great difficulty in imparting these democratic concepts.[39]

The Dilemmas

The apparent lack of a decisive Israel government minority policy often resulted in the paradox of a benevolent approach by many agencies and offices. In 1956 more than a dozen Ministries and Departments handled Arab affairs—each in its own, apparently uncoordinated, way. The Ministries of Agriculture and Development, Education and Culture, Health, Interior, Labor and Public Works, Social Welfare, and Religious Affairs often showed sympathetic understanding of the minority and its problems. But the Arab affairs section of the Prime Minister's Office, the Ministries of Police, Defense and Finance (which controlled Arab absentee property) seemed to be primarily motivated by the desire to keep the Arabs under security control.

The great quandary in integrating Israel's Arabs was most evident in the problems faced by the Ministry of Education. Its officials had to work in an environment where there were no mutual images of loyalty, few common cultural trends, and no national spirit of identification. The initial approach of the Ministry was to inculcate Arab youth with the idea that the Jewish State did not want to displace them. It did not attempt to teach "Jewish values" to the minority for fear that non-Jews would conclude that the government was attempting to destroy Arab culture. The immediate objective was to inspire respect for the state and its laws. The Ministry only expected a negative loyalty, and not positive identification. Arab youth was expected to learn only the minimum every citizen needed to know in order to fulfill his duties and to take advantage of his rights. The aim was to impart knowledge of, rather than love for, Israel. The Arabs already had their own love for the land based upon their age-old attachment to Palestine.

Civic courses for Arabs included instruction about the country's laws, people, and facts of citizenship. Zionist propaganda was not included, since one of its fundamental concepts was loyalty

not only to the state, but to the people of Israel. The minority naturally hated Zionism, which ended its national existence in Palestine. Subjects such as history, which touched national sensibilities, were presented in a general way, with emphasis on both Jewish and Arab connections with the country.

The tension between Israel and its neighbors placed the government's approach to Arab education under heavy strain. Border warfare, infiltration, military searches and curfews, and constant reminders from across the frontier of the effect the creation of a Jewish state had had upon the country's Arabs—all added to the psychological difficulties. Even if there were peace between Israel and its neighbors, government educators estimated that the process of integrating the Arabs and developing in them positive attitudes toward Israel would take from 20 to 30 years. Without peace the process would take much longer. In the existing environment there was no possibility of building a constructive psychological basis for integration. The only solution was to strive for a positive subjective outlook on existing realities. The government based its hopes for this solution on the fact that the Arabs did not feel like the "rootless Jewish minority in the diaspora." They had a strong attachment to the land.

The Ministry of Education strongly opposed Jewish protagonists of Arab assimilation for both practical and ideological reasons. The close contact between the country's Arabs and their brethren across the border would preclude that solution. The Ministry did not preach assimilation on principle because the Jews themselves fought it in the dispersion.

Arab education, the thesis ran, would change when conditions between Israel and its neighbors changed. With peace between Israel and her neighbors, both Jews and Arabs could be taught on the same emotional basis. Until then the Ministry of Education would continue to inculcate a recognition of the material progress achieved and to strive for more individual Arab freedom. It hoped that this approach would eventually germinate love for the state.[40]

Governmental indecision about their status did much to cause confusion in the Arab community. Although there were wide differences of opinion regarding their material achievements after the establishment of Israel, nearly all Israeli Arabs felt the restrictive policies of the government and longed for a change. They differed, however, on alternatives to their situation. Many wanted to remain in the country and to take their chances on ultimate

integration. Others would have, if possible, liquidated their property and emigrated. This was advocated by the Muslim qadi of Nazareth, Shaykh Tahir al-Tabari. In a letter to the President of Israel in July 1953, Shaykh Tahir wrote:

> The Jews here believe . . . that the Arabs in Israel, or a large part of them, are not loyal to the State of Israel and are potential fifth columnists. Intelligent Jews and Arabs living here and in the Arab countries look upon this situation with profound concern. They fear that their position will become more and more precarious as the relations with the Jewish Government and its neighbors worsen. . . . It is neither possible nor reasonable to expect that the Arabs in Israel will forget their children, wives, and relatives who are now refugees. . . .

For these reasons Shaykh Tahir suggested that any Arab in Israel and any Jew in the Arab world "desirous of leaving the country and joining his people" be permitted to liquidate his property and emigrate.[41]

Some government circles admitted the desirability of a population exchange but recognized its impracticability. Among most Israeli officials the problem of Arab loyalty was overcast by a hyper-sensitivity to security which short-circuited constructive efforts and increased the bitter reactions of the minority. The Jewish majority feared that basic minority reactions to Israel were cast in the fundamentally anti-Jewish mold which determined the political outlook of the pre-war Arab community. This sentiment was underscored in a pronouncement on the government's minority policy by Foreign Minister Sharett in September 1953. He reminded his critics that Israel's Arabs "remained connected by ties of blood and common national consciousness with the Arab people outside Israel, the declared position of which is that it is still at war with Israel—and not only formally so, but in day-to-day behavior." This would be the primary consideration in determining government policy toward the minority as long as there was no peace and violations of the armistice agreements continued.[42]

The dichotomous position of Israel's Arab minority—produced on the one hand by the legal matrix which circumscribed its daily life, and on the other by the improvement in its material and social welfare—produced an intensifying psychological dilemma. As the minority acquired increasing knowledge of the possibility of a better life through its contact with the Westernized Jewish community, unrest and discontent with second-

class citizenship inevitably grew. The seeds of loyalty which the Education, Public Welfare, Health, and Agriculture Ministries tried to cultivate through good works were sterilized by the policies of the military and the Custodian of Absentee Property. There was danger that irredentist Arab nationalism, which had already taken root, would grow with alarming speed.

The impact of this dilemma became apparent in 1956 when it was revealed that a large number of Arab youth, educated in the Israel school system, had fled to Jordan disillusioned by the treatment they had received in their native land. Although there were no accurate figures concerning the numbers of youth who fled, it was believed to be as high as 70 during 1956. Because of discriminatory government practices, only a handful of Arab youth was receiving positions for which they were qualified. In their idleness and frustration, many became easy prey to the vehement nationalist incitations broadcast from the neighboring Arab nations, principally from Radio Cairo. Many were attracted by offers of responsible positions in the Arab Legion, positions for which, although qualified, they could not aspire to attain in Israel, where the Arab population, constituting more than 10 percent of the total held no cabinet or other senior government post. In an article on the flight in *Ha-Arez*,[43] Zev Shif wrote:

"We build high schools for the Arab youth in the cities and in the villages, but this is only half the work. Why are not government offices open to the graduates of these schools? What is the use of opening the university to the Arab youth if a representative of the military governor can delay for months the permit of a youth studying in Jerusalem and prevents him from leaving his village because his father quarreled with the government? . . . Our relations toward the Arab minority in Israel are full of mistakes, and it is not necessary to add to them the error of our treatment of Arab youth who grew up after the war of independence and were more or less removed from the atmosphere incited by the Mufti."

The attitude of Israel's Arab minority was related, as well, to a solution of the Arab refugee problem and, thus, had a direct bearing upon Israel's ultimate acceptance by the states of the Arab world. It also directly affected the status of Jewish minorities throughout the area. Achievement of security and well-being by the Arab minority would remove one cause of friction between Israel and the Arab states, especially since the latter avidly

searched out every flaw and weakness in the new state's internal life.

Even if Israel's sense of insecurity were overcome and the minority were to achieve economic and political equality, a problem of even more basic psychological importance would remain in the cultural and ethnic chasm separating Jews and Arabs. How could the Arab minority ever absorb those intangible aspects of national identification which are so much a part of an exclusively Jewish milieu? Would it ever be possible for an Arab to become enthusiastic about *kibbutz ha-galuyot* ("ingathering of the exiles"), a *raison d'être* of the establishment of Israel? Could the idea propounded daily in the Kneset, the press, and the speeches of Israel's leaders that Israel was a "Jewish State" ever be meaningful in a positive sense to the Arab minority? Could the thousand-year-old Jewish heritage which developed in the diaspora of Eastern Europe, and which was taken over almost entirely by the State of Israel, ever become a heritage for an Arab minority? These questions, although not so immediately pressing as those connected with security, must eventually be dealt with by those who are concerned with the status of the Arab minority in Israel and Israel's place in the Arab world.

NOTES

1. Israel Government, *Government Year-book,* 5713 (1952) (English edition) (Jerusalem, 1952) pp. 207-10.
2. *Divrei ha-Kneset,* Vol. VI, pp. 2035-37.
3. *Ibid.,* p. 2128.
4. *Ibid.,* Vol. X, p. 424.
5. *Ibid.,* Vols. X, pp. 424-25; XI, p. 1863.
6. *Ibid.,* Vols. VI, p. 2132; XI, p. 1863.
7. *Ibid.,* Vol. XI, pp. 1862-63.
8. *Ibid.,* Vol. VI, pp. 2039, 2134.
9. *Ibid.,* pp. 430-31.
10. *Ibid.,* p. 2128.
11. *Ibid.,* p. 2130.
12. *Ibid.,* Vol. X, p. 415.
13. *Ibid.,* Vol. XI, p. 1863; Jewish Agency, *Digest of Press and Events,* Vol. IV, no. 419, Aug. 1, 1952, p. 1463.
14. *Ha-Arez,* Apr. 3, 1953.
15. From the time the law was passed on July 14, 1952 until 1956, Israeli citizenship was granted to 477 persons who applied for naturalization. Israel Government, *Government Year-book* (English edition) 5717 (1956) p. 303.
16. Palestine Government, *The Palestine Gazette,* no. 1442, 1945, Supp. no. 2, p. 1085, regulation no. 114.
17. Israel Government, *Laws of the State of Israel* (Authorized English Translation) Vol. II, Ordinances, 5709-1948, pp. 70-77.
18. Jewish Agency, *Digest of Press and Events,* Vol. IV, no. 400, Mar. 21, 1952, pp. 822-23.

19. *Divrei ha-Kneset,* Vol. VIII, pp. 871-74.

20. *Jerusalem Post,* July 17, Nov. 16; *Ha-Arez,* July 8, 12, Sept. 2, 1956.

21. *Jerusalem Post,* May 12, *Ha-Arez,* May 10, *'Al ha-Mishmar,* May 11, 1953.

22. *Davar,* May 8, 1953.

23. *Jerusalem Post,* May 24, 1953.

24. *Davar,* Aug. 14, 1953; by the beginning of 1956, of the 542,000 Israelis affiliated with the Histadrut 12,000 were Arabs. *Facts About Israel,* 1957, p. 103.

25. *N. Y. Times,* Apr. 8, 1957.

26. Israel Government, *Government Year-book* (English edition) 5716 (1955) p. 234. 47 percent of the Arabs live in municipalities. Two Arab towns, six Arab mixed towns, 14 Arab Local Councils and two villages are within the Country Council Areas; *Year-book* 5717 (1956) p. 300, states that there are two Arab municipal corporations and 13 Arab Local Councils, comprising 61,800 persons. The Arab population included within the network of local authorities, including those in areas with mixed Arab and Jewish populations, totaled 82,000 out of a total Arab population of 192,000.

27. *Ibid.,* 5713 (1952), p. 167; Jerusalem Post, July 17, 30, 1953.

28. *'Al ha-Mishmar,* Jan. 13, 1953; *Ner,* Feb. 1953, p. 21. The 1955 *Government Year-book,* p. 234 (*op. cit.*) states that: "Personal and family difficulties often prevent the extension of the municipal system to Arab villages." *Facts About Israel,* 1957, p. 46, states that "The individualistic and conservative nature of the Arab social structure and the reluctance of the more well-to-do Arabs to pay their share in local taxation" prevents extension of local government.

29. M. Noam, *Census of Agriculture,* 1949/50 "Part A—Farm economy of Arabs, Druses, and other minority groups," Israel Government, Central Bureau of Statistics and Economic Research, (Jerusalem, 1952); E. Kopelevitz, "Changes in the Israel Arab Village," *Qama* (Yearbook of the J.N.F.) Vol. IV, pp. 203-23, N. Agmon (editor) (Jerusalem, 1952).

30. Israel Government, *Government Year-book* (English edition) 5713 (1952) p. 119.

31. J.N.F., *Qama,* p. 205: The Johnson-Crosbie Committee report on Arab economy in 1930 estimated that the average burden of debt carried by each peasant equalled his yearly net income.

32. Israel Government, *Government Year-book* (English edition) 5713 (1952), pp. 81-82; 5717 (1956), p. 69.

33. J.N.F., *Qama, op. cit.,* p. 205; *Infra,* p. 216.

34. Israel Government, Census of Agriculture, 1949/50, *op. cit.:* interviews with officials of the Ministry of Agriculture in January 1954.

35. *Jerusalem Post,* September 4, 1956, p. 4 (Gideon Weigert).

36. *Ibid.,* Nov. 6, 1956, p. 4 (Gideon Weigert).

37. Israel Government, *Government Year-book* (English edition) 5717 (1956) pp. 172-173; J. L. Benor, "Arab Education in Israel," *Christian News from Israel,* Vol. III, no. 3-4, Nov. 1952, pp. 26-30, Israel Government, Ministry of Religious Affairs.

38. *Ibid.*

39. J.N.F., *Qama, op. cit.,* p. 223.

40. Interviews with Ministry of Education officials in 1953 and 1954.

41. Translation of copy of Arabic original of letter sent to President Ben-Zvi on July 12, 1953.

42. *Jerusalem Post,* Sept. 18, 1953.

43. *Ha-Arez,* Oct. 26, 1956, "Emigration of the Arab Youth."

CHAPTER VIII

Israel's Initial Absentee Property Policy

AFTER SECURITY and social considerations, economic factors had the greatest influence upon Israel's policy toward the Arab refugee problem. During its first formative years the new state's economy constantly hovered on the brink of bankruptcy. It relied heavily upon contributions, grants and loans from abroad. United States Government grants-in-aid, German reparations, and loans and contributions of world Jewry supplied a major part of Israel's national income. Even this large foreign income was an insufficient supplement to native Jewish resources in subsidizing the country's rapid growth. Despite its unbalanced economic structure, immigration increased Israel's Jewish population by nearly 108 per cent during the first three and a half years. Between May 15, 1948 and the end of 1951 more than 684,000 new Jewish immigrants settled in the country. Using the extensive property abandoned by the Arab refugees in their flight from Palestine, Israel hastened the speed of Jewish immigration and the extent of economic expansion.

The abandoned Arab fields, orchards, vineyards, homes, shops, factories and businesses provided shelter, economic sustenance and employment for the new immigrants and contributed to the pattern of their social integration. The layout of the deserted Arab towns and cities was characteristically Near Eastern. The architecture of Arab houses reflected a social organization based upon an extended family system. Cultivation of Arab land often required oriental agricultural methods.

Zionist leaders neither anticipated nor planned for the windfall of abandoned Arab wealth. The refugee flight from Israel was as much a surprise to the Jewish community as a whole as to the Arab community. In most cases flight occurred under battle conditions and the abandoned property immediately fell into the hands of the Israel army. There was no established or centralized policy for dealing with the rich Arab holdings thus commandeered. In the early days of the war, the *ad hoc* decisions of various field commanders had to make do for a unified, pre-conceived plan of operation. As the Provisional Government gradually be-

came aware of the extensive assets and the myriad of problems thereby presented, it began to improvise a centralized absentee property policy. It used various pieces of emergency legislation in an attempt to bring order out of the chaos into which treatment of Arab property had fallen. Much of the emergency legislation was inadequate and diffuse, causing the government to jog along from a try at one provisional policy to another.

Finally a combination of pressures—from the United Nations, Israel's Arab minority and various Jewish political groups—forced the government to lay down a fixed absentee property policy within a constitutional and legal framework. In March 1950 it enacted an absentee property law which attempted to integrate the various strands of policy which hitherto had formed its lines of action. Actually the Absentee Property Law defined no new procedure. It merely legalized the *de facto* situation which grew out of improvisation under wartime emergency conditions.

In many respects the law was inequitable to Arab residents of Israel. The overconcentration of executive power met with criticism. Israel's courts attempted to rectify the shortcomings in a number of decisions against the Custodian of Absentee Property.

The reaction of the Arab and Jewish critics of the government's policy toward abandoned refugee property determined the attitudes of the Arab minority to a large extent. Approximately 40 per cent of the land owned by legal Arab residents of Israel was confiscated by the authorities as part of the absentee property policy. Its ramifications reached out into the attempts of the United Nations to solve the Palestine question. The Arab states and the refugees jealously watched every move that Israel made in dealing with the property of the Palestinians. Reactions to its disposition were an intimate part of talks on the refugee question and particularly of those dealing with compensation.

Much information concerning the use, amounts and distribution of abandoned Arab property and the government's policy toward it was secret. Records and most reports of the Custodian of Absentee Property were secret. Sessions of the Kneset's Finance Committee, when it discussed the problem, were closed. Even the United Nations, in spite of frequent requests, was unable to obtain adequate information about Israel's disposition of Arab property. In its Fifteenth Progress Report of October 4, 1956, the CCP stated that its representatives had still received no reply to a request submitted to the Israel Government the previous February for information concerning the administration of Arab refugee

property or the measures taken to protect it, safeguard its identity, and provide restitution to the refugee owners.[1] Therefore much information in this Chapter and Chapter IX concerning absentee property necessarily came from indirect sources.

The CCP Refugee Office estimated that although only a little more than a quarter was considered cultivable, more than 80 per cent of Israel's total area of 20,850 square kilometers[2] represented land abandoned by the Arab refugees. Three quarters of the former Arab land was sub-marginal land or semi-desert in the Negeb.[3] Evaluation of the property varied from that of the United Nations —£P120 million[4]—to the Arab League's estimate of more than ten times that amount.[5]

Abandoned property was one of the greatest contributions toward making Israel a viable state. The extent of its area and the fact that most of the regions along the border consisted of absentee property made it strategically significant. Of the 370 new Jewish settlements established between 1948 and the beginning of 1953, 350 were on absentee property.[6] In 1954, more than one third of Israel's Jewish population lived on absentee property and nearly a third of the new immigrants (250,000 people) settled in urban areas abandoned by Arabs. They left whole cities like Jaffa, Acre, Lydda, Ramleh, Baysan, Majdal; 388 towns and villages and large parts of 94 other cities and towns,[7] containing nearly a quarter of all the buildings in Israel.[8] Ten thousand shops, businesses and stores were left in Jewish hands. At the end of the Mandate, citrus holdings in the area of Israel totaled about 240,000 *dunums* of which half were Arab owned. Most of the Arab groves were taken over by the Israel Custodian of Absentee Property. But only 34,000 *dunums* were cultivated by the end of 1953.[9] By 1956 73,000 *dunums* were either cultivated or fit for cultivation.[10] In 1951-52, former Arab groves produced one-and-a-quarter million boxes of fruit, of which 400,000 were exported. Arab fruit sent abroad[11] provided nearly 10 per cent of the country's foreign currency earnings from exports in 1951.[12] In 1949 the olive produce from abandoned Arab groves was Israel's third largest export, ranking after citrus and diamonds.[13] The relative economic importance of Arab property was largest from 1948 until 1953, during the period of greatest immigration and need. After that, as the immigrants became more productive, national dependence upon abandoned Arab property declined relatively.

The CCP estimated that the amount of Israel's cultivable abandoned Arab land was nearly two and a half times the total

area of Jewish-owned property at the end of the mandate.[14] The Israel Custodian of Absentee Property estimated that only two and a half million of the four million *dunums* of Arab land held by him, were cultivated.[15] No account was given for the discrepancy between the amount of cultivable area cited by the CCP (4,574,000 *dunums*) and the cultivated area held by the Custodian. Neither was the difference between the total of four million *dunums* of absentee property held by the Custodian and the CCP's total of 16,324,000 *dunums* clearly explained.[16]

The CCP's "global" estimate of abandoned Arab land was based solely on the Mandatory Government's publication, *Village Statistics: 1945*,[17] containing a list of all the villages and towns of Palestine, with their populations subdivided according to religion. It divided the area in *dunums* of each village or town. In the case of rural areas, the village area was divided into categories according to the nature and use of the soil, and showed the number of *dunums* of each category held respectively by Arabs, Jews, the State, and others. Urban areas appeared by showing the number of *dunums* held respectively by Arabs, Jews, the State and others. *Village Statistics* also gave the total amount of rural property tax and urban property tax payable by Arabs and Jews in each town and village.

By deleting from *Village Statistics* all areas outside the territory occupied by Israel, including the demilitarized areas and the Jerusalem "no-man's land," the global figure of 16,324,000 *dunums* (including most Negeb land) of Arab abandoned property was obtained. In cases where armistice lines did not follow village boundaries, the statistics were adjusted to show the approximate number of *dunums* in the various categories within Israel. In addition all land which continued to be held by its original Arab inhabitants was deleted.

After these deletions had been made, the remaining totals of the columns headed "Arabs" in *Village Statistics* gave the number of *dunums* of rural land formerly held by Arabs. Excluding the Negeb, 4,186,000 *dunums*, of which 1,432,000 were uncultivable, passed into Jewish hands. In the Negeb the Jews acquired 12,138,000 *dunums* of abandoned Arab land, of which only 1,835,000 were cultivable. The total cultivable area which Israel acquired from the refugees was thus more than 4,500,000 *dunums*.

The CCP assessed the value of property on the basis of the figures in the Palestine tax records, namely, in the case of agricultural land, on the estimated productivity value used for taxation

purposes; and in the case of property within urban or town areas, on the assessed rental value. Speculative elements above normal were ignored. They were created by temporary shortages resulting from post-World War II conditions; the effect of the Land Transfer Regulations of 1940, which forced up prices of land in areas to which Jewish purchases were restricted; the purchase of land by the Jewish National Fund for strategic purposes at uneconomical prices; and the Arab nationalist campaign against sales to Jews, resulting in risks to Arabs who sold land to Jews for which they expected compensation. The level of values and condition of property prevailing as of November 29, 1947, the date of the United Nations partition resolution and the beginning of Arab-Jewish hostilities, was the time basis of evaluation. Uncultivable land as well as buildings in rural areas were not evaluated.

Agricultural productivity was determined by the Rural Property Tax Ordinance, which in 1947 applied to all rural lands except the Negeb. It provided for a tax per *dunum* at varying rates on categories arranged according to the estimated productivity of the soil, and in some relation to the net annual yield. Because of the scanty evidence available, the CCP based its valuation of Negeb land upon "expert opinion."

The value of abandoned urban lands was based upon the notional amount of tax multiplied by ten to arrive at the net annual value. This figure was weighted by 25 per cent to take account of the undervaluation of land for various reasons during the Mandate, and by a further 25 per cent to take into account the rise in values between the last assessment prior to 1945 and the end of 1947.

The valuation of abandoned property in Jerusalem was based upon the register compiled by the Israel Custodian of Absentee Property.

The total value of abandoned immovable property thus arrived at was:[18]

Rural lands	£P69,525,144
Urban lands	21,608,640
Jerusalem lands	9,250,000
Total	£P100,383,784

In 1951 abandoned cultivable land included nearly 95 per cent of all Israel's olive groves, 40 thousand *dunums* of vineyards, and

at least 10 thousand *dunums* of other orchards excluding citrus.[19]

Twenty thousand *dunums* of absentee property were leased by the Custodian in 1952 for industrial purposes. A third of Israel's stone production was supplied by 52 Arab quarries under his jurisdiction.[20]

The amount and value of movable Arab property was never accurately determined. In the chaotic war conditions which prevailed after the Arab flight most of their property was destroyed, looted or lost. More than four million pounds[21] worth of movable property was in the warehouses of the Custodian in 1951. The CCP's Refugee Office estimated that the approximate value of all movable Arab refugee property was about 20 million Palestine pounds.[22]

It concluded that an accurate valuation of all abandoned movable property was impossible. Some categories could not be evaluated "globally." Furthermore, there was no way of estimating what property refugees took with them and what they left. The Office received no answer to its request of Israel concerning the nature and extent of movable property appropriated by its authorities, and so it based its valuation upon the property belonging to the refugees before their exodus. The figure of £P20 million was reached by comparing calculations based on a percentage of (a) the value of immovable property; (b) the national income and (c) the aggregate values of 1945 of various descriptions of property which can be grouped under the heading "movable." The latter included industrial equipment, commercial stocks, motor vehicles, agricultural equipment and livestock, and household effects.

In calculating the worth of movable property relative to immovable property, the proportion of values in the case of Turks leaving Greece and Greeks leaving Turkey after World War I was used. The Turks were a predominantly rural community and the Greeks predominantly urban. The social structure of the Turkish and Greek communities and the Palestine Arab rural and urban communities were respectively similar. The value of movables of Turks leaving Greece was about 4.7 per cent of immovables, and of Greeks leaving Turkey, it was about 60 per cent. Based upon this ratio, the value of Arab movable property estimated by the Refugee Office was £P21,570,000.

In calculating the value of movable absentee property based upon national income, the 1945 Arab figure of £P62 million was used. Movable property was estimated to be about 40 per cent of this figure, or £P18,600,000.

The CCP's Refugee Office thus estimated that the total value of Palestinian non-Jewish immovable property in 1945 was:

Industrial equipment	£P3,400,000
Commercial stocks	4,300,000
Motor vehicles	1,300,000
Agricultural equipment and livestock	13,100,000
Total	£P22,100,000

These figures represent an estimate of the total wealth of the Palestine Arabs. The amount belonging to the refugees should be approximately three quarters of the total. To this should be added another £P2.5 million, the estimated value of household effects. The total value of movable Arab refugee property based upon different descriptions was therefore £P19.1 million.

The Refugee Office based its valuation of movable property on an average of these three methods of appraisal. However, it emphasized that its total valuations were approximate and that the Office "was not in itself in a position to draw any definite conclusions concerning the value of the property in question. . . ."[23]

The Israel Custodian was also responsible for four million Palestine pounds in Arab bank accounts blocked in Israel, and an undetermined amount of shares in businesses, corporations, companies and partnerships. In 1953 his office was one of the largest employers in Israel,[24] and perhaps the largest single employer of new immigrants.

As these facts show, the importance of property abandoned by Arab refugees could not be determined by the CCP's evaluation alone. Its value to Israel could be understood more clearly in relation to the amount of Jewish property at the end of the Mandate and to the role which it played in the new state's economic life, particularly in the absorption of over 700,000 new immigrants in the first few years of Israel independence.

No public record exists of plans made by responsible Jewish authorities for Arab property in a Zionist state, before the refugee exodus. There was only the hope that Arabs would voluntarily sell part of their land to Jewish buyers. Jewish occupation of Arab regions began in April 1948, and continued to gain momentum throughout the next four months.[25] During this time the towns of Baysan, Jaffa, Acre, Lydda, Ramle and the large Arab areas of Haifa, Safad and Jerusalem, as well as most of their property, sur-

rounding agricultural areas and produce, fell into Jewish hands.

A Haganah order published on May 9, 1948, warned:

"Jewish Fighters! when entering a conquered or abandoned Arab community, should you find abandoned property—DO NOT TOUCH IT! Overcome any temptation to steal or loot. . . . Remember you are a Hebrew warrior and defender. You must defend your honor not only in battle, but after as well. Remember that a warrior can be dishonored by a looter. Commanders must deal severely with those whose behavior compromises their units in this matter."[26]

But during the era of chaos, local military authorities frequently failed to restrain mass looting, destruction and pillage, in spite of efforts by the central Haganah (Jewish Defense Forces) authorities.

When Israel's military and para-military forces first occupied abandoned Arab areas military field commanders improvised policy on the spot, often turning property over to the secretaries of Jewish agricultural settlements or local security officers.[27] Since the phenomenon of mass flight was completely unexpected there was no central authority or plan concerned with property disposal.

In a statement describing the early period, the Custodian of Absentee Property reported to the Kneset's Finance Committee early in 1949 that, during the violent transition from mandatory to Israeli control, before a firm authority was established, the Arabs abandoned great quantities of property in hundreds of thousands of dwellings, shops, storehouses and workshops. They also left produce in fields and fruit in orchards, groves and vineyards, placing "the fighting and victorious community before serious material temptation."

The moral feelings of a minority surrounded and in mortal danger yet victorious over its many attackers prevented the despoliation of the enemy. Feelings of revenge, moral justification and material temptation did, however, overcome many.

In such conditions, only extreme measures by the military, civil and legal authorities could have saved, not only the property, but many individuals and institutions from moral degeneration.

Such action was not forthcoming and was, perhaps, impossible in the prevailing conditions, and affairs in many areas degenerated without any restraint.[28]

The greatest permanent damage and destruction were caused to abandoned property in the early months of the Palestine war be-

fore the Custodian began to take over. In those few months thousands of *dunums* of citrus, olive groves and vineyards were either uprooted or neglected beyond possible repair.[29]

The first authoritative statement of policy on Arab property from the Provisional Government of Israel was the Abandoned Areas Ordinance published in the *Official Gazette* on June 30th, 1948.[30] It defined an "abandoned area" as any place conquered by, or surrendered to, the armed forces of Israel or deserted by all or part of its inhabitants. The Provisional Government was given authority to declare any place an "abandoned area." The Prime Minister or any other Minister could make regulations related to defense, security, supply, essential services (education, health, police, labor, courts) in these areas. Any Minister authorized by the Prime Minister could issue regulations concerning any abandoned property. The Minister of Finance was responsible for implementing the law which was retroactive to May 16, 1948.

The first Custodian of Abandoned Property was appointed on July 15th, 1948, by the Minister of Finance acting under the ordinance.[31] From April until the Custodian's appointment, the Army had primary responsibility for occupied Arab property. Because it conquered the property, the military considered itself the rightful owner. When the time came for the Custodian to take over from the Army, military authorities often placed obstructions in his way. Sometimes for days and weeks, the army prevented the Custodian from entering cities to take charge of absentee property.

The Custodian could not care for the great tracts of land which had been turned over to him; therefore steps were taken to legalize its use by the Jewish agricultural settlements which had occupied much of it. The Ministry of Agriculture was given power to assign this land to cultivators whom it could designate for a period of up to two years and eleven months.[32] The Minister could obtain control of land after erecting a warning on it, stating that the property had to be cultivated within fourteen days. If not cultivated within a fortnight, the Minister could take over the land for one year, cultivate it, or turn it over to any other cultivator. The Finance Minister, acting through the Custodian, was to act as the land's trustee. Any legal cultivator was authorized to use all buildings, machinery, vehicles, animals, installations, tools, etc., which were found on property assigned to him. The owner was entitled to receive compensation for the use of his land in the value of the whole of the "net income" accruing to the cultivator.

However, the owner was to be charged for all improvements, and the cultivator was entitled to all the crops. No other person was entitled to any rights therein. Any net income left after the cultivator had taken over the crop and discounted the cost of improvements was to be turned over to, and held by, the Minister of Finance.

In the fall of 1948, the Custodian began to organize administration of abandoned agricultural land through a Rural Department. Its initial approach was only to save the crops for public consumption. Cultivation became a joint operation of the Ministry of Agriculture and the Custodian. The Ministry divided and distributed the land in accordance with the above Emergency Regulations, while the Custodian's Rural Department administered its occupation.

Management of the property was a complicated and difficult task. There was a shortage of adequate labor and equipment—such as irrigation pipes and pumps—necessary for cultivation. Extension of the one-year contracts granted by the Ministry of Agriculture under the Emergency Regulations, was by no means certain. Cultivators, therefore, had no incentive to do more than reap last year's crop. The prerequisites for ensuring future productivity —irrigation, pruning, trimming, fertilizing—were neglected. The short-term contracts were a leading cause of the wasteful degeneration of valuable citrus, olive, fig and other orchards, and of the ruin of hundreds of thousands of *dunums* of other crop lands.

The relationship of Arabs to their property was somewhat clarified[33] in December 1948, when the Provisional Government published its first Absentee Property Regulations. They were issued by the Minister of Finance in virtue of the power conferred on him by the Law and Administration Ordinance of 1948.[34] In many respects they resembled the Trading with the Enemy Ordinance enacted by the Mandatory Government at the beginning of World War II.[35] In effect they prevented the return of any Arabs, including those who were citizens of Israel, to property abandoned during, or immediately before, the war.

The Regulations enabled the Finance Minister to appoint a Custodian of Absentee Property who replaced the Custodian of Abandoned Property. All absentee property was vested in the Custodian who was given broad powers over it. His primary responsibility was to take care of, and protect it. For these purposes the Custodian was authorized to incur all expenses and make all in-

vestments necessary to keep, maintain, repair or preserve absentee property.[36]

The Custodian could take over most Arab property in Israel on the strength of his own judgment by certifying in writing that any person or body of persons, and that any property, were "absentee." The burden of proof that any property was not absentee fell upon its owner, but the Custodian could not be questioned concerning the source of information on the grounds of which he had declared a person or property absentee.

All rights in the property of absentees belonged to the Custodian and he could take over all property which might be obtained in the future by an individual whom he certified to be absentee.

The Custodian could at any time liquidate absentee businesses. He was authorized to participate in the management of partnerships and to manage the shares and rights of absentee partners. All businesses in which at least one half of the number of persons, partners, shareholders, directors or managers were absentees, or in which absentees were dominant or controlled at least half of the capital, were turned over in whole to the Custodian.

Ownership of immovable property controlled by the Custodian could not be transferred to another person, although it could be leased for a period not exceeding five years.

All persons were declared absentee who held property in Israel and who on, or after, November 29, 1947 (the date of the United Nations' Resolution concerning the partition of Palestine) were: (a) citizens or subjects of Lebanon, Egypt, Syria, Saudi Arabia, Jordan, Iraq or the Yemen, or (b) were in any of these countries or in any part of Palestine outside the area of the regulations, or (c) were Palestine citizens and left their places of habitual residence.

The Custodian could issue a certificate stating that anyone was not an absentee if "in his opinion" such a person left his residence from fear of Israel's enemies, or if the Custodian believed that he was capable of managing his properties efficiently, without giving aid to Israel's enemies. When issuing such a certificate, the Custodian could release the property of the former absentee to whom the right of title would revert. The Custodian could require the owner to deliver some other property in exchange for his released property. In each individual case, before exercising these powers, the Custodian had to receive a recommendation passed by the

majority of an inter-departmental committee composed of one representative each from the Ministries of Finance, Agriculture and Minorities. The Custodian could withhold the certificates releasing property until he received a maintenance payment not to exceed five per cent per annum of the property's value, to be determined by the price which could have been obtained had the property been sold in the market. The only appeal against such an evaluation could be made to the Minister of Finance or the above-mentioned Inter-Departmental Committee. In addition, the Custodian was entitled to receive payment for all expenses incurred in holding the property, together with interest at the rate of six per cent per annum from the date he took over.

If, "in the Custodian's opinion," any relatives of an absentee had been supported by his property for a continuous period of a year or more prior to November 29, 1947, the Custodian could grant allowances to the relatives from the absentee's held property at such rates as in the Custodian's opinion were necessary for maintenance, provided such allowances did not exceed £I50 per person per month.

The regulations required all absentees to notify the Custodian about the particulars of all their property within 30 days after the date of publication of his appointment. If any individual later became an absentee, he was required to notify the Custodian of all details regarding his property within 30 days. All members of partnerships were required to notify the Custodian of absentee property within the same period of time. All partners were also required to deliver to the Custodian returns, accounts and all information concerning absentee property, which the Custodian might from time to time require. Violations of this regulation made an individual liable to imprisonment up to six months, or to a fine not to exceed £I100, or both.

Every Arab in Palestine who had left his town or village after November 29, 1947, was liable to be classified as an absentee under the regulations. All Arabs who held property in the New City of Acre, regardless of the fact that they may never have traveled farther than the few meters to the Old City, were classified as absentees. The 30,000 Arabs who fled from one place to another within Israel, but who never left the country, were also liable to have their property declared absentee. Any individual who may have gone to Beirut or Bethlehem for a one-day visit, during the latter days of the Mandate, was automatically an absentee.

Israel's Arab community unanimously disapproved of the regu-

lations. Many responsible Jewish critics also attacked their inequities. In the First Kneset Sayf al-din al-Zu'bi of the Mapai-affiliated Nazareth Democratic List challenged the Custodian's seizure of property belonging to Arabs who were legal residents of Israel, who had participated in the first elections and who held government-issued identity cards. Many were absent from their residences for a few days only during the fighting which overtook their villages, but did not leave the country. Al-Zu'bi pointed out that many residents of Tur'an and Nazareth who were gone only a few hours also lost their property to the Custodian. The majority of the villagers of Ma'lul, Andur and al-Mujaydal who took refuge in Nazareth when fighting occurred near their homes were declared absentees although they never left Israel's territory. Half the Arab inhabitants of 'Ilut remained in their village during the fighting. The other half took refuge in Nazareth, but all the villagers became absentees, and even those who remained in their homes were required to pay rent to the Custodian for the use of their own lands. In Acre and Shafa 'Amr many Arabs were not permitted to cultivate their lands which were used by surrounding Jewish collectives under the authority of the Custodian and the Ministry of Agriculture. Villagers of Tsipori, Saffuriya and other villages were moved by the army long after the end of active hostilities, and their property was turned over to the Custodian.[37]

In Jaffa Arab notables formed a committee to obtain the release of one and a half million pounds worth of property seized by the Custodian and the army. They requested Israel's High Court of Justice to force the Defense Minister and the military authorities to give reasons why they had not protected Arab property in accordance with Jaffa's surrender terms to the Haganah.[38]

In November 1948 Mrs. Beba Idelson, a member of the Provisional Council of State, called the problem to the attention of the Prime Minister. She reported that rumors were circulating about the grave harm done to the Arab population during the battles for Galilee and the Negeb. "The harm was not inflicted in the course of war or in accordance with accepted rules of war." She asked whether steps would be taken to punish the culprits. The Prime Minister promised that an investigation would be made and that if the offenders were found, they would be punished "with all the severity of the law."[39]

Israel's Communists took up the Arab cause with fervor. Minority discontent with absentee property management offered an excellent cause with which to win votes and also to embarrass the

government. In the first elections, the Communists made return of absentee property to Arab citizens one of their main campaign planks. In the First Kneset, Arab Communist Tawfiq Tubi asserted that many Arab villagers were taken prisoner of war while their lands were declared absentee property and that the Custodian was placing obstacles in the way of Arabs who tried to get back their property.[40]

Absentee property management was severely criticized by the Hebrew author and columnist Moshe Smilanski of the independent liberal newspaper *Ha-Arez*. The authorities had taken too long to remember their obligation to protect occupied property, he said. "Sometime we will have to account for its theft and despoliation not only to our consciences but also to the law." Where, he asked, were the authorities when the theft began? His strictures agreed with the report of the first Custodian to the Kneset that a large part of the public was responsible for the theft of absentee property. "Towns, villages and agricultural property were robbed without shame, and lawless individuals from the masses as well as the intelligentsia enriched themselves from occupied property." Smilanski was relieved to know that the authorities had finally opened their eyes. "Although not much remains to be protected, perhaps those who participated in the theft can be revealed and the loot saved from their hands."[41]

Eliezer Kaplan, the Finance Minister, gave the government's answer to such charges in a speech to the Kneset in November 1949.[42] The return of Arabs to their lands was a "difficult and bitter question." Notwithstanding the government's desire to help the Arab refugees, "it must consider security factors and plans of settlement, particularly in security zones." Refugee resettlement in Israel was being handled by a special committee of representatives from the Prime Minister's Office, and the Ministries of Defense and Foreign Affairs. All Arab requests for return to their lands were dealt with by the Custodian in conformity with decisions of the special committee. Kaplan expressed the Custodian's "tremendous desire to return property to those who will be citizens of Israel." However, no comprehensive plan existed for handling the problem; each case had to be handled on its individual merits.

The government classified tens of thousands of Israeli Arabs as absentee.[43] But in urban areas only 400 residents of Jaffa, Haifa and Jerusalem who had never left the country recovered some of their property, according to Kaplan. The non-urban property of

"several score" Arabs was also released. The Custodian issued a total of 209 certificates releasing property to its Arab owners. Maintenance grants from the income of absentee property were made by the Custodian to "several families of absentees in Jaffa, Haifa and Jerusalem." There were also a few instances in which merchandise was returned to Arabs after they proved their ownership. The Finance Minister reported that the Custodian's Office also helped to resettle some refugees who had been forced to move to new homes.[44]

Kaplan denied that the Custodian was responsible for the fate of absentee holdings. Most property had already been seized when the Custodian undertook its administration. He could only attempt to bring order out of the chaos existing in the trail of seizures made by new immigrants, Jewish veterans of the Palestine War, and local squatters. Kaplan accused institutions like the Jewish Agency, which were responsible for the settlement of new immigrants, of causing the greatest difficulties in management of absentee property. He promised that further allocations would be less disorganized and made only in accord with the decisions of a committee composed of representatives of the Jewish Agency's Settlement Department, veteran organizations and institutions dealing with housing.[45]

Between May 1948 and the end of 1949 Israel's Jewish population increased by 50 per cent through unlimited immigration. The government placed no restraint upon Jewish entrance into the country. One of its principal aims was to encourage "ingathering of the exiles." When they arrived, new settlers were placed in camps where they were cared for by the Jewish Agency. The physical resources of the local Jewish community could not cope adequately with this sudden, unexpected tidal wave of newcomers. Their growing discomfort and restlessness in the makeshift camps was flashed against a provocative background of millions of *dunums* of empty land, hundreds of abandoned towns and villages, and tens of thousands of unoccupied buildings. An invidious comparison was created for the new immigrants living in tent and shack towns.

In urban areas such as Tel-Aviv, Haifa and Jerusalem, the unprecedented housing shortage resulted in an overflow of new immigrant and veteran squatters into unoccupied Arab residences. Squatters often received semi-official sanction for their occupation of empty buildings. Even before the status of the abandoned Arab areas was determined, the Jewish Agency was directing the flow

of new immigrants toward the vacant Arab settlements. The military also participated in this unauthorized mass-requisitioning. In one instance, a group of army officers supported by tanks seized large areas of absentee property in Jaffa.[46]

When the first Custodian of Abandoned Property was appointed, in July 1948, all of Jaffa had been occupied. Groups of new Jewish immigrants and veterans had begun to establish their homes in Acre and in the former Arab areas of Haifa and Jerusalem. By November 1948, the Custodian published notices in the press that there was no longer room for settlement in Jaffa and that no new requests would be considered.[47]

In one of his early reports the Custodian claimed that nearly all absentee houses had been occupied and that their seizure by the Jewish Agency for the use of new immigrants would be recognized. Nearly all movables in these houses, which had not been looted or destroyed, were sold before the Custodian arrived.

Long-term policy in the latter half of 1948 was to present the Arabs with the fact that a large part of their property no longer existed and that areas for their resettlement in Israel would be determined by security and political factors. As yet there was no government plan for the use of refugee property, but due to security reasons, their immediate return was not permitted.[48] The government's only intention seemed to be preservation of abandoned property for an unknown future disposition.

By the end of the year, government policy concerning use of the property also began to assume long-term aspects. The first definite statement indicated that abandoned property would be permanently settled by Jews. Prime Minister Ben Gurion warned that the deserted Arab regions of Israel would not be left unoccupied, for strategic if not for economic reasons. He stated in a public address that: "Our territorial conquests and redemptions will not be assured if we do not succeed in erecting a great and closely linked chain of settlements, especially settlements of soldiers, on the borders, in the Negeb, on the coast, in the Jerusalem corridor, around Safad, and in all other areas of strategic importance."[49]

Another indication was the amendment, in January 1949, of the emergency ordinance concerning the cultivation of waste lands.[50] The amendment helped to prevent the growing deterioration of Arab agricultural areas by giving the Minister of Agriculture control of unoccupied land for a period not exceeding five years. Empowered to grant longer leases, he could encourage culti-

vators to do more than merely reap a single harvest. Then it would be profitable to take the necessary measures to maintain the land's productivity.

The ordinance enabled the government to begin settling absentee villages with farmers who would work the surrounding land. Government organizations were formed to manage the property and to rent land to individual farmers or contracting companies. Settlers were given the opportunity to choose lands near their villages through the Jewish National Fund (JNF), which acted on instructions from the Jewish Agency's Settlement Department. For example, when the Settlement Section of the Jewish Agency wanted to found a new colony at Farradiyyah in Galilee, it informed the Jewish National Fund, which took possession of the land. The area was then turned over to the new Jewish settlers who had already established themselves there.[51]

As vital sectors of the Jewish economy absorbed more Arab property, it became clear to the government that a mass return of Arabs to Israel was not economically feasible. With growing opposition to a mass repatriation, a definite policy line toward the disposal of refugee property developed.

The CCP began to show active interest in abandoned Arab property in the spring of 1949. At the request of the Arab delegations the Commission charged its General Committee with a study of the following points: return of their lands and homes to Arab orange grove owners and their repatriation, together with the necessary workmen and technicians to maintain the groves; abrogation of the absentee property regulations; freeing of *waqf* (religious foundation) property; and suspension of all measures of requisition and occupation of Arab property.

Examination of these matters was turned over to the CCP's new Technical Committee on Refugees in June.[52] It suggested formation of a mixed Israel-Arab working group to assist in the examination of orange groves. Israel rejected the proposal. Instead, the inspection occurred with the assistance of a French expert. During a five day period from July 7 to 11, the expert saw about a third of the Arab groves.[53] He estimated that over 50 per cent of the Arab groves were either dried up or destroyed. About 25 per cent were being conserved or improved. Less than 25 per cent could still be saved, if the necessary irrigation and other machinery were put into immediate operation.[54]

The Technical Committee decided that it was necessary to establish a CCP supervised mixed Arab-Israeli working group on

property. It should be authorized to set up sub-committees to administer conservation of existing properties including orange groves; to determine property ownership; and to evaluate property damages, including those to orange groves.

When the CCP made the above recommendations to the Arab and Israeli delegations at Lausanne, the Arabs accepted them but Israel did not. Israel also refused to abrogate the Absentee Property Act or to suspend measures for the requisitioning of Arab property.[55]

Mr. Eliahu Sassoon, a member of the Israel delegation, declared that only the Custodian could make decisions about absentee property, and that he would continue to be the only responsible authority as long as there was no peace between Israel and the Arab states.[56]

Early in 1949, a joint committee of the Village Department of the Custodian's Office and the Ministry of Agriculture, decided that only 40,000 of the 120,000 *dunums* of abandoned Arab citrus groves were worthy of reclamation or continued cultivation. Eighty thousand *dunums,* where the soil was not suitable for citrus cultivation, would have to be eliminated. Others were in areas which were to be devoted to urban and municipal development. (In this category the Ministry of the Interior requested reservation of 30,000 *dunums* in the vicinity of Jaffa, al-Shaykh Muwannis, Bayt Dajan and Lydda). Many groves had been stripped of vital irrigation machinery during the fighting. Tens of thousands of *dunums* were in strategic areas on the border. In northern Israel 10,000 *dunums* were diseased and their produce had never been suitable for export. Other citrus areas were isolated or could not be cultivated by machinery economically.[57]

Although a large supply of immigrant laborers were settled near citrus lands, few had experience in farming, and there were not enough local skilled laborers to take over the sudden increase in citrus cultivation.

The Custodian's Office spent approximately two and a half million Israel pounds between the spring of 1949 and the end of March 1951, in maintaining and caring for the groves which were not uprooted. In 1950, the Village Department spent a million and a quarter Israel pounds to rehabilitate approximately 35,000 *dunums* of absentee citrus groves. Although $247,000 from the 1950 American government loan were used toward these costs, the Custodian claimed that funds for minimum management needs were not adequate. The government estimated that a total

of 1,400 guards would have to be employed merely to prevent the theft of irrigation machinery from abandoned groves. Only one hundred guards were fulfilling the task at the time.

The Village Department calculated that by 1956 absentee groves could produce two million boxes of fruit worth £14 million, annually. Such a sum would provide a substantial proportion of the country's foreign currency earnings. Arab groves could also supply a labor market of nearly half a million work days per year, and thereby assist in the absorption of several thousand new immigrants. However, skilled managers would have to be found before work could begin.

Until the end of 1950 no decisive government policy evolved for working the groves. The Custodian's function was only to protect and preserve absentee property. He had not yet received the legal right to dispose of it. Although large absentee areas were cultivated under direction of the Ministry of Agriculture, as authorized by the emergency regulations concerning waste lands, the Custodian was still the ultimate legal authority. Since his Custodianship was short-term, only the barest framework was set up for plans to dispose of large tracts of absentee agricultural lands. Immediate policy was improvised on the basis of the *de facto* situation in the hope that it would be legally confirmed later. National institutions, such as the JNF and the Jewish Agency, and private companies, such as Pardess Syndicate, joined the Village Department in working the citrus groves. It took little political astuteness to see that this land would become Jewish property sooner or later. But in the meantime, there was no legal basis for permanent Jewish occupation of it.

About half of the citrus groves were operated directly by the government through the Custodian's Village Department in 1950. The other half were turned over to agricultural settlements and private cultivators. By the end of 1950, the 36,200 *dunums* of Arab absentee citrus groves under cultivation were distributed as follows: The JNF—10,500 *dunums;* Pardess Syndicate—1,200; the Custodian's Village Department—18,000; others—6,500. These cultivators increased absentee citrus production more than tenfold between 1949 and 1951. By early 1957, some 44,280 *dunums* of absentee property were either under citrus cultivation, or set aside for citrus cultivation.[58]

A different state of affairs prevailed in olive grove cultivation. There was no interest in, nor any knowledgeable body willing to contribute to, their preservation and maintenance. The incentive

for government interest in citrus groves was the anticipation of large foreign currency earnings. Therefore the Ministry of Finance allocated funds to the Custodian for care of citrus groves, whereas funds for other purposes were not made available.

The Ministry of Finance did not support participation of its Village Department as an agricultural entrepreneur. The Ministry instructed the Department to keep agriculture going but to avoid any complications which might involve the government as a producer.[59]

This policy hindered the work of the Village Department in many ways. Only a few tractors were at the disposal of the Custodian's Office, and it was forced to rent machinery from neighboring settlements at uneconomic rates, which over a long period of time cost more than investment in the purchase of new implements. Lack of modern equipment brought the cost of irrigation in citrus groves operated by the Custodian up to nine pounds per *dunum,* whereas in private groves the cost was only three pounds per *dunum.*[60]

Problems caused by lack of long-term planning, unpreparedness and deficient agricultural knowledge of new settlers, great differences between methods of Jewish and Arab agriculture, and disagreements between the Custodian and those who worked the land were extremely costly. Questions arose whether to use extensive or intensive agricultural methods. Was continued maintenance of olive groves feasible or was it better to uproot them and plant the area with some irrigated crop?

Failure to resolve such questions caused deterioration of 70,000 out of 100,000 *dunums* of olive groves and of 37,000 out of 40,000 *dunums* of vineyards in the Custodian's possession. Many thousands of *dunums* formerly suitable for other crops were allowed to degenerate. The collective settlement, Masuot Yizhaq, for example, received several hundred *dunums* of vineyards which it did not harvest for three years. Nizanim obtained 320 *dunums* of citrus which it did not cultivate. It even refused to permit the Custodian's Office or the Jewish National Fund to care for the groves. The groves were theirs, they insisted, and no one else would be permitted to work them.[61]

There was no large government institution to which land could be turned over for care. The Custodian's Village Department was only a sub-branch of the Finance Ministry and could not undertake long term development projects. It desired to turn over the land to other institutions for such work.

Although the Histadrut had considered forming a large company along the lines of *Solel Boneh,* its construction company, to work occupied agricultural areas, its plan was opposed by the collective settlements. They demanded the areas for themselves, claiming that they could cultivate them with proper machinery. They also requested funds from the American Export-Import Bank loan to purchase such machinery.[62]

By the middle of 1949, the government and the Jewish national institutions gradually realized that the only way to preserve citrus and other plantations was to grant subleases to contractors (Pardess Syndicate, for example) for five-year periods, in accordance with the emergency regulations.

To prevent the growing waste on other absentee crop lands, the Custodian's Office, acting through its Village Department, began to change its policy of merely protecting and preserving property into that of absorbing it through development in the same way as state land. An official decision was finally made to establish permanent settlements in absentee areas. There was still, however, no legal way by which the Custodian could transfer property. An *ad hoc* formula was improvised to establish new settlements on land distributed to them on the initiative of the JNF. The procedure was to negotiate a series of one year leases which permitted a transition period to allow the government to determine the ultimate distribution of the land. But there were two obstacles: the JNF wanted the land without any conditions attached to its acquisition, and one year contracts led to exploitation and degeneration of crop lands at a time when they showed the need for long term care and permanent improvements.[63]

The JNF and the Jewish Agency often acted at cross purposes with the Custodian. For example, the Agency's Settlement Department established new immigrants in many areas already under cultivation for which the Custodian had invested large amounts of money to improve irrigation. As early as July 1950, there were complaints that the Jewish Agency was placing new immigrants on land which the Custodian had set aside for reclamation. Mr. Z. Leef, the Prime Minister's Advisor on land matters, complained that the Agency was establishing new settlements on absentee land without considering the need for long-term planning.

When it finally became clear that both the new and many old settlements which had seized absentee lands could not manage them, it was too late for the Custodian to requisition them effectively. "Until today the Custodian has been unable to take over

plantation areas hastily distributed to settlements which are not cultivating them. . . ."[64]

In urban areas the Custodian became Israel's largest landlord, renting over 65,000 housing and business units of Arab absentee property, including flour mills, workshops, moving picture theatres, bus terminals and factories. The greater part of non-rural property was taken over by the Urban Department of the Custodian's Office.[65]

Between April and July 1948, when there was no single organization in Israel capable of carrying out an orderly occupation of abandoned property, built-up areas were rapidly overrun. When the Custodian's office began to function in the middle of July, it found that the Arab sections of Jerusalem, Haifa and other towns were already occupied by new immigrants under direction of the Jewish Agency, war veterans under Army control and squatters who had acted on their own initiative. There was little that the Custodian could do but attempt to organize the existing situation. The Urban Department could not even carry out such vital functions as collection of rents.

In Jaffa at the end of 1948 distribution of houses was organized through an *ad hoc* Committee for the Allocation of Apartments. Representatives of the Jewish Agency, War Victims Organization, the Ministry of Commerce and Industry of the Provisional Government, the Military Governor and the Custodian constituted the Committee. They distributed absentee apartments among new immigrants, war veterans and victims, and political and cultural institutions. By the fall of 1949 the committee decided that it would give apartments only to new immigrants and to war victims.

In Haifa, absentee business premises were distributed by a committee of representatives of the city's businessmen and the government. Apartments were allotted by the Custodian upon recommendation from the Jewish Agency and representatives of the War Victims Organization. In Jerusalem apartments were given out by the Housing Department of the District Commissioner's Office. In other absentee cities and towns, the Jewish Agency was the sole distributor of buildings.

In spite of the committees, unusually great disorder characterized the occupation of absentee towns and villages. "New immigrants, war victims, the military and squatters, continued to spread out into the empty buildings, fighting among themselves over every room."[66] The human tidal wave continued to sweep

into absentee areas even after publication of announcements that they had been fully occupied. New immigrants fled from their temporary camps into the absentee sections of towns and cities to seize for themselves either abandoned buildings or empty lots on which to erect some sort of makeshift dwellings.

As a result of this chaotic occupation, apartments originally intended for a single family housed several families. Often they spoke a variety of languages—Arabic, German, Russian, Polish, Rumanian, Bulgarian, Spanish, French and others.

Many areas were endangered by the lack of minimum sanitary and health facilities. Hundreds of houses were jerry-built. Without the constant care which their former Arab occupants gave them, they were in danger of falling apart. In the first five years of Jewish occupation there were many instances of houses collapsing on their new occupants.[67]

As part of his task in preserving absentee property, the Custodian was required to allocate large sums of money for repair. He was responsible for maintaining individual buildings in absentee towns and villages as well as standard municipal services which included water, sanitation, street and road repairs, and lighting. Nearly 75 per cent of the income from absentee houses was used on their maintenance and improvement. Approximately, only 10 per cent of the required engineers and technicians could be employed to carry out these functions with the available budget.

In 1949-50 the Custodian spent about £I1,100,000 for building repairs. Although there was an even greater need the next year, building material shortages prevented expenditure of more than £I771,000. From the beginning of its operations until July 1951, the Urban Department spent nearly £I3 million on repairs, government and municipal taxes, new roads and administration. Its income from rents during the same period was just over £I4.3 million. The Custodian estimated that his income was insufficient to cover maintenance expenses and the salaries of the more than five hundred employees of the Urban Department.[68]

It was argued that from a "patriotic" point of view the relatively great expense was worthwhile, since it facilitated absorption of many new immigrants. From an economic point of view, however, it was not feasible. Most of the repairs were only temporary and would have to be repeated again in the future. Most of the houses were quite old and would, sooner or later, have had to be

completely rebuilt. Many municipal improvements, such as water supply, roads and street lighting needed constant attention and repair.

Before the enactment of the 1950 Absentee Property Law, the Custodian was free to make whatever arrangements he wanted with tenants. He refrained, however, from taking legal action against those who squatted in absentee property. Instead, he attempted to legitimize their occupation. All residents of absentee houses—squatters and those who were assigned to them—were permitted to sign contracts fixing their rents up to May 31, 1951.[69]

As in the case of rural property, problems created by the lack of any decisive long term policy confronted the Urban Department. By the end of 1949, it was clear that the former Arab owners would not return, but the question of future responsibility for urban property was still undecided. Lack of a definite authority to replace the transitory functions of the Custodian created many legal and technical complications.

The JNF was willing to take over administration—if not cultivation—of large tracts of land. No similar institution existed which was willing and capable of administering tens of thousands of individual housing units. It was contrary to the established principles of the government to sell agricultural land, but in urban areas it hoped to receive foreign currency from the sale of valuable areas which could be used for industrial purposes. Where there was pressure from local municipal authorities, some urban property was sold to private buyers. The prices were to be determined and the payments to be received in the future. With the constant downward spiral of the Israel pound, the government would have incurred great loss by selling the urban property at prevailing prices.[70]

NOTES

1. U.N. G.A. PR (11th Session) A/3199.

2. Israel Government, *Government Year-book* (English edition) 5712 (1951/52), p. 315; *Facts & Figures,* 1952, p. 1.

3. Most of this land was occupied by nomad tribes and ownership was not clearly defined, although tribal rights in the areas were never challenged. Although actual title to the land as state domain by the Government was "presumed," it admitted that pending land settlement operations it was not possible to assume with certainty that such lands were part of state lands.

4. U.N. G.A. OR (6th Session) Supp. no. 18, *op. cit.,* pp. 5-6, paras. 37-40, pp. 12-15, paras. 9-24.

5. The Arab News Agency reported that the Arab League estimated the value of property abandoned by Arab refugees from Israel at two billion pounds sterling; *Jerusalem Post,* Mar. 4, Apr. 12, 1953.

6. Israel Government, Custodian of Absentee Property, mimeographed press release, Jan. 16, 1953; *Ha-Arez; Jerusalem Post,* Jan. 18, 1953.

7. *Ibid.; Ha-Arez,* June 15, 1951. According to one Israeli source, the total number of Arab villages in area now constituting Israel was 863 in the year 1945, A. Granott, *Agrarian Reform and the Record of Israel* (London, 1956) p. 89.

8. *Ha-Arez,* June 15, 1951; 65,000 living units. Other figures on the number of living units taken over by Jews are: *Ha-Boqer,* Nov. 19, 1950: 77,070 apartments taken over by new immigrants; *Ha-Arez,* Aug. 2, 1950; 7,800 shops, offices, workshops and storehouses.

9. Israel Government, Custodian of Absentee Property, *op. cit.; Government Year-book* (English edition), 5714 (1953-54), p. 142.

10. *Ha-Arez,* April 17, 1956.

11. Israel Government, *Government Year-book* (English edition) 5713 (1952), p. 119; The total amount of fruit exported in 1951-52 was 3,800,000 boxes, p. 380; *Government Year-book* (English edition) 5712 (1951/52) p. 418: The total amount of citrus exported in 1951 was 2,500,000 boxes; *Ha-Arez,* Nov. 15, 1951: The Custodian expressed the belief that the produce from absentee groves during the 1952-53 season would be 1,500,000 boxes.

12. Israel Government, *Government Year-book* (English edition) 5712 (1951/52) pp. 418-19: The total earning in foreign currency during 1950-51 from citrus was over £13.7 million equal to over 56 per cent of the earnings from foreign exports; *Government Year-book* (English edition) 5713 (1952): In 1951-52 total foreign currency earnings from citrus was £15,700,000; Total exports were £116 million; total number of cases of citrus exported was 3,400,000, p. 380.

13. *Jerusalem Post,* Aug. 15, 1949.

14. A Granott, *The Land System in Palestine* (London, 1952), p. 278: The total amount of Jewish owned land in Palestine at the end of the Mandate was 1,850,000 *dunums;* U.N. G.A. OR (6th session) Supp. no. 18, *op. cit.,* p. 5, para. 36; The total abandoned Arab cultivable land was 4,574,000 *dunums.*

15. Israel Government, Custodian of Absentee Property, *op. cit.*

16. Israeli figures of the amount of absentee property and the proportion of it which is and was either cultivable or cultivated, vary considerably. Abraham Granott, in his book *Agrarian Reform and the Record of Israel* (London, 1956), p. 89, states that: "We do not know the exact extent of the area abandoned. . . . According to one source, based on data at the end of 1949, it comprised three types: the first, arable land in Arab villages, 1,373,000 *dunums;* the second, waste and barren land in Arab villages, 2,720,000 *dunums;* the third, lands of the northern Negeb, normally tilled in the hands of Bedouins, 1,700,000 *dunums;* a total of 5,793,000." The southern Negeb, which was mostly unoccupied and uncultivated as well as mostly uncultivable, was ownerless, according to Granott. This area he estimates to be 10,800,000 *dunums.* In Granott's view there was also no sound title to the 1,700,000 *dunums* in the northern Negeb, "which cannot therefore all be considered abandoned property, for it certainly embraces ownerless tracts. Nor can it be assumed that all the wasteland was owned or even occupied by owners now absent. Hence we should considerably reduce the figure of 5,793,000 *dunums.*" The Israel Government's Development Authority survey of abandoned land placed the figure at 4,183,669 *dunums.* On page 254 of his book, Granott states that three million *dunums* of abandoned Arab land was cultivable and 1.8 million uncultivable. The absentee land, according to his sources, is distributed by district as follows: Beersheba in the Negeb—600,000 *dunums;* Acre—148,580; Beisan—147,477; Nazareth—86,395; Safed—435,660; Tiberias—160,731; Haifa—258,488; Jaffa—145,254; Jenin—125,825; Nablus—8,814; Tulkarem—234,209; Hebron—1,006,547; Jerusalem—209,352; Gaza—640,503; Ramla—455,834; and in villages of various districts—120,000 *dunums.*

17. Palestine Government, *Village Statistics 1945.*

18. U.N. G.A. OR (6th Session) Supp. no. 18, *op. cit.,* Annex A, pp. 11-13.

19. *Ha-Arez,* June 15, 25, 1951; *Davar,* Dec. 14, 1950; *Divrei ha-Kneset,* Vol. III,

pp. 136-39 (speech by Minister of Finance, Eliezer Kaplan describing absentee property).

20. *Jerusalem Post,* June 1, 1950; Israel Government, Custodian of Absentee Property, *op. cit.*

21. *Ha-Arez,* June 15, 1951.

22. U.N. G.A. OR (6th Session) Supp. no. 18, *op. cit.,* p. 6, para. 39.

23. U.N. G.A. OR (6th Session) Supp. no. 18, *op. cit.,* Annex A, pp. 13-15.

24. Israel Government, Custodian of Absentee Property, *op. cit.*

25. *Ha-Arez,* June 17, 1951.

26. *Ibid.*

27. *Ibid.,* May 5, 1948.

28. *Ibid.,* June 17, 1951: extract from Custodian's report to the Kneset's Finance Committee given on Apr. 18, 1949.

29. *Ibid.,* June 15, 1951; *Divrei ha-Kneset,* Vol. III, pp. 154-55, 160-64 (speeches of Aaron Zisling—Mapam, Jacob Gil—General Zionists and Eliezer Kaplan—Mapai).

30. Israel Government, *Laws of the State of Israel* (Authorized Translation from the Hebrew) Vol. I, pp. 25-26, Abandoned Areas Ordinance no. 12 of 5708—1948, issued by the Prime Minister and the Ministers of Justice and Finance, June 24, 1948.

31. *Ha-Arez,* June 17, 1951.

32. Provisional Israel Government, *'Iton Rishmi* (Official Gazette) Supp. II, no. 27, Oct. 15, 1948, pp. 3-8, Law and Administration Ordinance, 1948, Emergency Regulations concerning Cultivation of Waste Lands and Use of Unexploited Water Sources, issued by the Minister of Agriculture, Oct. 11, 1948; *Ha-Boqer,* Sept. 6, 1949.

33. Provisional Israel Government, *'Iton Rishmi,* Supp. II, no. 37, Dec. 12, 1948, pp. 59-70, The Law and Administration Ordinance, 5708—1948, Emergency Regulations Concerning Absentee Property, issued by the Minister of Finance, Dec. 2, 1948; *Jerusalem Post,* Dec. 19, 1948.

34. Israel Government, *Laws of the State of Israel* (Authorized Translation from the Hebrew) Vol. I, p. 8, no. 1 of 5708—1948, Law and Administration Ordinance, section 9(a).

35. H. Kantrovitch, *War Legislation in Force on the 15th Day of April, 1943,* Vol. III (Jerusalem, 1943) Trading With the Enemy Ordinance, no. 36 of 1939, pp. 330-46.

36. Provisional Israel Government, *'Iton Rishmi,* Supp. II, No. 37, *op. cit.*

37. *Divrei ha-Kneset,* Vol. III, pp. 148-49.

38. *Ha-Arez,* Feb. 21, 1949.

39. *Ibid.,* Nov. 26, 1948.

40. *Divrei ha-Kneset,* Vol. III, pp. 152-53.

41. *Ha-Arez,* July 26, 1949, extract from Custodian's report to the Finance Committee of the Kneset, Jan. 6, 1949.

42. *Divrei ha-Kneset,* Vol. III, pp. 138-39.

43. There is no public record of the total number of Arab citizens of Israel who were absentee. However, there is general agreement among most interested parties that there were tens of thousands.

44. *Divrei ha-Kneset,* Vol. III, p. 137. Between 1949 and 1957 the property of only a small number of Arab citizens of Israel was released to its former owners by the government. *Cf.* page 186.

45. *Ibid.,* p. 136.

46. *Ha-Arez,* Jan. 6, 1949.

47. *Ibid.,* June 17, 1951.

48. U.N. S.C. OR, Supp. for Aug. 1948, *op. cit.,* pp. 108-09; Letter from Israel Foreign Minister in reply to U.N. Palestine Mediator's request that certain Arabs be permitted to return to their homes, Aug. 1, 1948.

49. *Ha-Arez,* Nov. 19, 1948.

50. Israel Government, *Laws of the State of Israel* (Authorized Translation from

the Hebrew) Vol. II, pp. 70-77, Emergency Regulations (Cultivation of Waste Lands) (Extension of Validity) Ordinance no. 36 of 5709-1949, issued by the Prime Minister and the Ministers of Justice and Agriculture, Jan. 6, 1949.

51. *Ha-Arez,* June 17, 1951.

52. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* p. 23: The Technical Committee was established by the CCP on June 14, 1949.

53. *Ibid.,* p. 25, para. 25: The expert believed that a thorough examination of these groves would require the work of eight agricultural experts for approximately two months.

54. *Ibid.,* para. 26.

55. *Ibid.,* p. 16, para. 33.

56. *Ha-Arez,* Sept. 1, 1949.

57. *Ibid.,* June 26, 1951; *Ha-Boqer,* Oct. 30, 1950; *Davar,* Dec. 14, 1950; *Divrei ha-Kneset,* Vol. III, pp. 161-65 (Minister of Finance).

58. *Ha-Arez,* June 21, 1951. By April 1957 there had been no substantial increase in the actual cultivation of absentee groves; see *Ha-Arez,* April 17, 1956, also articles on absentee property by Yair Cutler in *Ha-Arez,* of March 29, April 12, 1957. Cutler charged that most groves were divided between groups affiliated with either Mapai or The General Zionist party during the time both parties were in the government coalition.

59. *Jerusalem Post,* Aug. 15, 1949, Feb. 13, March 28, April 5, 19, 1950; *Ha-Arez,* Jan. 6, Feb. 14, 1949, Sept. 20, 1950, May 14, June 15, 17, 19, 21, 25, 26, July 3, Dec. 17, 20, 1951; *Davar,* Aug. 28, Sept. 29, Dec. 14, 1950; *Ha-Boqer,* Apr. 5, Nov. 30, 1950, Apr. 9, 1951, Jan. 29, 1952; *'Al Ha-Mishmar,* Dec. 21, 1950.

60. *Ha-Arez,* June 26, 1951.

61. *Ibid.,* June 19, 1951.

62. *Ibid.,* Mar. 6, 1949.

63. *Ibid.,* June 21, 1951.

64. *Ibid.,* July 2, 1951.

65. *Ibid.,* June 28, 1951: article by Sabbatai Tevet on absentee urban property; *Ha-Arez,* July 1, 1951; article by Sabbatai Tevet on problems of administering absentee property; *Divrei ha-Kneset,* Vol. III, p. 136 (Minister of Finance).

66. *Ha-Arez,* June 28, July 1, 1951.

67. *Ha-Arez,* July 27, 1949; Two hundred buildings were destroyed in Jaffa's Old City on the recommendation of municipal engineers who declared them unsafe. Some suggested that the old city be totally eliminated, especially after several buildings collapsed on their occupants. However, the authorities were unable to remove the squatters from these buildings and they were not destroyed.

68. *Ha-Arez,* July 1, 1951, Sabbatai Tevet; in the fiscal year 1950-1951 the Custodian collected £I2,600,000 from rents. In 1949-1950 he collected £I1,740,142. *Ha-Arez,* May 30, 1951, June 23, 1952; In the fiscal year 1951-1952 forty per cent of the income from absentee property was spent on its repair; in three years £I880,000 had been spent on public works; *Jerusalem Post,* May 14, 1951; *Davar,* Dec. 14, 1950; Israel Government, Custodian of Absentee Property, *op. cit.,* The Custodian claimed to have paid the government a total of £I2 million in taxes until the beginning of 1953.

69. The highest monthly rental paid to the Custodian was £I3.5 per room. *Ha-Arez,* July 1, 1951.

70. Israel Government, Custodian of Absentee Property, *op. cit.*

CHAPTER IX

Absorption of Absentee Property

EARLY IN 1950 an overall plan to absorb absentee property through development gradually emerged from the scattered pieces of improvised policy. To facilitate the burgeoning development scheme, the government was eager to legalize occupation of Arab property. It decided to establish a firmer constitutional basis for the authority governing absentee areas by passing a single law through the Kneset to replace various emergency regulations.

The bill presented to the Kneset by the Minister of Finance closely resembled the emergency regulations which had been in force since December 1948. Minor changes somewhat curtailed the Custodian's power and improved the status of absentees.[1]

A custodial Board for Absentee Property was to be appointed by the Minister of Finance. The Chairman was to be the Custodian. The law neither defined the Board's powers nor did it circumscribe and control the Custodian's functions and prerogatives. Whereas the emergency regulations exempted most property vested in the Custodian from rent control, the law granted dwellers in absentee buildings the protection of existing rent fixing ordinances.

The law gave absentees greater protection in the courts. Whereas the previous regulations exempted the Custodian from giving evidence concerning the source of his knowledge about the status of absentees, the law required him to answer the courts' questions concerning such information.

The law also narrowed the definition of an absentee. It did not include Arabs who remained in areas controlled by Jewish forces on November 29, 1947, provided they had not left such areas after that date. Since only a small area of the present territory of Israel was in Jewish hands on November 29, 1947, the number of Arabs who benefited from the change was not large.

The Custodian was authorized to grant maintenance allowances from the proceeds of absentee property to absentees themselves as well as to their relatives, if he felt there was sufficient need.

The new law also curtailed the Custodian's right to take over

businesses. He could establish his control only when *all* the members, partners, shareholders, directors or managers, rather than 50 per cent of them, were absentees.

When returning property to absentees under the law, the Custodian was authorized to receive a maintenance payment not to exceed four per cent, instead of the five per cent of the annual value allowed in the emergency regulations.

Such minor changes did little to affect either the status of absentee property, most of which was already distributed, or the status of its original owners. Presentation of absentee property cases in the courts by Arabs, however, was facilitated.

The fundamental change introduced by the law was the Custodian's privilege to sell property. It was the first step toward legally implementing the new policy of absorbing Arab holdings through development. It also gave legal recognition to the *de facto* distribution which had already taken place. The basis of the new plan was establishment of a Development Authority by the Kneset, which would have exclusive authority to buy absentee property. According to the Finance Minister this decision was influenced by administration of absentee property in India and Pakistan following their exchange of populations. In describing the law, he compared Israel's legislation to that of India.[2]

The Custodian was also permitted to lease property either to the Development Authority or to any other leasee for development purposes. The Development Authority was authorized to pay the Custodian the "official value" of any property it acquired. In most cases this was a sum approximately 16 2/3 times the net annual value of the property as assessed under the Urban Property Tax Ordinance for the year 1947-1948; in the case of rural land, 300 times the tax on citrus for land planted with citrus, bananas and village built-up areas; 75 times the tax in the case of cultivable land. Land classified under the Rural Property Tax Ordinance as non-cultivable was shown as having no value.[3]

In Kneset debates on the new law, party positions were clear cut and well defined. Three Arab members—one Communist and two Mapai-affiliated Nazareth Democrats—voiced strong opposition. They were joined by Mapam and individual Kneset members who were making a special bid for the vote of Israel's Arab citizens.

Sayf al-Din al-Zu'bi of the Nazareth Democrats denounced the new legislation as a "law of oppression, without foundation." His fellow Nazareth Democrat, Amin Jarjurah, objected on the

grounds that the law took "vengeance" against Israel's Arabs without distinguishing friend from foe.[4] These two and Tawfiq Tubi, the Arab Communist Kneset member, asserted that the law should have been called, not an "absentee," but an "enemy" property law. Tubi protested that, although the Prime Minister had avowed Israel's Arabs were not enemies, they were being treated as such under the provisions of the Absentee Property Law. Jarjurah described the legislation as *ex post facto* because it classified as an "absentee" any Arab citizen who left Palestine for a short time in the period prior to the establishment of Israel. He quoted several Jewish Kneset members who also believed that the law discriminated against Arab citizens.[5] Tubi felt that the object of the law was not to protect, but to take over Arab property.

Al-Zu'bi proposed to amend the law so that any Arab with an Israel identity card who was a citizen of the state would receive full legal rights to his property. He asked the government to review the question of Arab refugees who had illegally returned to Israel and had received only temporary identity cards. All refugees who fled from their villages to some other place in Israel, and who had Israeli identity cards, should have access to their land and property. Arabs who were expelled from their villages when they were conquered by the Israel Army, should not be declared absentees. Tawfiq Tubi joined in proposing similar amendments which would have made the law not applicable to Arabs who were legal residents of the state and who did not aid the enemy.[6]

Jewish Kneset members representing all sectors of the political spectrum proposed amendments to make the position of property holding Arab citizens more secure. Moshe Sneh, then of Mapam, could see no reason why the state should prevent any citizen from returning to his property. If all citizens were treated fairly, he argued, there would be greater security. He believed that the new law was not free of racial discrimination. A fellow Mapam member, Nir-Rafalkis, wanted to deprive the Custodian of absolute discretion to change the status of absentees and to reserve such authority for the courts.[7]

David ha-Cohen of Mapai expressed the hope that property illegally seized from Arabs during the war would be returned. He proposed establishment of a special authority to decide the fate of property belonging to Arabs who returned to Israel legally. Such decisions should not depend on the Custodian alone. In order to forestall illegal transfer of money, legal Arab residents should have the opportunity to transfer funds to their relatives

who were refugees in the Arab countries. The time has come to show greater generosity, he said, since the government has decided to reunite broken families.

Ben-Ami of the Sephardim claimed that the law's definition of an absentee harmed the whole community. He particularly objected to that part which classified as an absentee any individual who had moved from one section of the country to another, and to the paragraph which gave the Custodian full power to decide who was and who was not an absentee. That section of the legislation authorized the Custodian to represent the accused, the complainant and to be the judge in any absentee case. Eliahu Elyashar, another Sephardim member, believed that the law violated the rights of non-absentees, both Jews and Arabs, because it was "arbitrary" and "un-Jewish."

Even Johanan Bader of Herut opposed the stringent definition of an absentee. He feared that the law would deprive individuals with full citizenship of their rights. He offered a substitute, an amendment which would have allowed all Arabs who legally returned to Israel after March 1, 1950, to receive their property.[8]

All opposition parties criticized the great power vested in the Custodian. Herut and General Zionist members saw party favoritism in appointment of the Custodian by the Mapai Minister of Finance. Control of a quarter of Israel's wealth and most of its land was a plum they hesitated to let fall to Israel's largest party. One General Zionist member attacked the Custodian's office as "a secret organization" which operated free of parliamentary control. He accused the Custodian of distributing 90 per cent of absentee property to Mapai-controlled institutions and of discriminating against other parties. All abandoned Arab stores and workshops were turned over to the Mapai-controlled agencies, *Tnuva* (Central Agricultural Marketing Cooperative), *Ha-Mashbir ha-Merkazi* (Central Wholesale Supply Cooperative) and *Solel Boneh* (The Histadrut's construction company), whereas private institutions had received no such property.[9]

The former Mapam Minister of Agriculture, Aaron Zisling, objected to the law's lack of planning, particularly in the Arab economy, which, in his view, was being despoiled. He demanded authority for the Minister of Agriculture to approve the Custodian's decisions which were related to rural areas.[10]

Israel Roqah (Rokach) of the General Zionists (then Mayor of Tel-Aviv) demanded greater power for the municipal authorities in determining the use of absentee property. In his view the Kne-

set, rather than the Custodian, should have had ultimate control over disposition of the holdings. Other amendments proposed by Herut, the General Zionists, Mapam and Communist Kneset members would have curtailed the Custodian's discretionary powers by giving the courts greater authority to determine the legality of his actions. They would also have granted greater court protection to individuals who believed the Custodian's actions against them were unfair.[11] Most opposition amendments were blocked by the Mapai-Religious Bloc Government coalition.[12]

When final voting occurred on each section of the law, the amendment proposed by Moshe Sneh and Eliahu Elyashar to protect Arabs legally residing in the state, was only rejected by a majority of eight (the vote was 26 against and 18 for the proposed amendment). It received a cross-section of party support. Members of the General Zionist, United Religious, Mapai, Mapam, Nazareth Democrats and Communist parties voted for it. Two-thirds of the members present abstained.

"Elementary feelings of justice demand that an Arab who legally returns to Israel should not continue to be an absentee," wrote the liberal daily *Ha-Arez*. It called for return of property or payment of just compensation to Arab residents.

> We have nothing to be proud of in rejection of Dr. Sneh's and Mr. Elyashar's amendments. . . . We are not at war with the Arabs who are established citizens of the state. . . . A law which automatically makes them absentee is insufferable. . . . This is a matter of conscience and political understanding.

The part of the law depriving Arabs of their property "blacks out all our feelings of justice, morality and politics and is a blot which must be wiped away as quickly as possible."

The newspaper warned that there would be little possibility of integrating Arab farmers in the state "if Israel condemns them to a life of perpetual poverty."[13]

David K. Elston, former Mandate official and a popular British columnist of the *Jerusalem Post,* who acquired a national reputation for his staunch support of Israel's cause during the Palestine war, attacked the law as "perhaps the most serious factor creating embitterment among all Arabs." Writing in *Ha-Arez* he pointed out that in Galilee twenty villages had been deprived of their property by Jewish collectives, which "arrogated to themselves, through long-term leases granted by the Minister of Agriculture, lands of Arabs who were free from any guilt or wrong-

doing." Restoration of property in non-security areas would be a wise initial step to create loyal Arab citizens. Elston criticized government failure to make long term plans for the minority. "Their number is not large and most of them work on the land. But they weigh heavily on the conscience of fair Israelis, few of whom understand that perhaps it would be advisable to absorb them. . . ."[14]

In the Arab community, the growing restiveness concerning the government's policy was organized into written and public protests. More than 7,000 Arabs from fourteen villages in Galilee met at Acre, in June 1951, to form an organization to fight for return of their land.

A front against opposition attacks was organized by the Minister of Finance (Mapai's Eliezer Kaplan), the Chairman of the Kneset's Financial Committee (David Zvi-Pinkas of the United Religious Front), the Minister of Justice (Pinhas Rosen of the Progressive Party), and other members of the coalition parties.

The purpose of the law, they argued, was to prevent illegal acquisition of absentee property, and by using it in national development, to keep it from being squandered. "That is why we had to facilitate the transfer of absentee property from the Custodian to other owners who will cultivate it for the public benefit." With this aim in view, the Ministers of Finance and Agriculture had cooperated in the distribution of one million *dunums*. The task required a broad authority. For example, Kaplan pointed out, it would have been impossible to save the citrus groves if the prevailing wage rate had been paid. Irrigation facilities had so deteriorated that an unusually large and cheap labor supply was required to repair them.

When drafting the law, the government cited examples of similar legislation acceptable elsewhere in the world. Much Arab property would be sequestered for compensation from the states which waged war against Israel. They would become responsible for indemnification to the refugees who had owned the property.[15]

The main function of the law was to concentrate absentee property so that it "would not be lost" and to keep a general account for use in international negotiations.

The question of absentee property belonging to Arabs who were citizens of Israel was a "delicate matter" involving "national security," asserted the Minister of Finance. Although he defended equal rights, how, he asked, "can we disregard the fact that we are still surrounded by enemy countries who have repeatedly de-

clared that they intend to open a second round. We must take precautions," he warned. Declarations of democracy by local Arabs would not satisfy him in view of past Jewish experience. He had learned the necessity of constant caution. In his view, security, not business and commercial considerations, should be paramount in dealing with absentee property of Israeli Arabs. It was such a sensitive problem in Israel's international relations and in dealings with her neighbors, that complete answers concerning the status of absentee property were not always possible.

Israel's law, argued the government, was more liberal than its model, the Indian-Pakistani legislation. In Israel the Custodian's decisions could be questioned in court. The mere fact that a person was legally resident in the country did not entitle him to his possessions because it was often impossible to return them. The law, therefore, distinguished between absentees and absentee property. No automatic rule could govern absentee cases. Each one would have to be decided on its own merits. The law enabled the Custodian to return property to any Arab who returned to Israel and could prove to the Custodian's satisfaction that he had done no harm to the country. The Chairman of the Finance Committee believed that the Custodian rather than the courts should have that decision. The Custodian "may make a mistake, but any man might; so might the judge. The judge's opinion in such a case would be subjective and cannot be objective for there can be no proof that an individual left his home out of fear."[16]

The Finance Minister attempted to mollify his critics by recalling that there was a special Government Committee, to deal with the question of resettling Arab refugees who were Israel citizens in security areas. It was composed of representatives of the Prime Minister's Office, the Ministries of Defense and Foreign Affairs.[17]

Kaplan justified the great concentration of power in the law. The Custodian did not act solely on his own judgment. He first consulted with several government departments and inter-ministerial committees. The government in power was responsible for his activity. Leases from the Custodian of any area for industrial purposes had to be approved by a Committee representing the Prime Minister's Office, the Planning Office, and the Ministries of Labor and Commerce. The abnormality of the situation necessitated concentration of power. Curtailing the Custodian's authority through the courts would require too much work and too many clerks. The courts were already overcrowded with cases.

Only more difficulties would be created by extending their authority.

The government freed the Custodian from responsibility for the existing state of affairs of absentee property. Kaplan charged that squatters, veterans and institutions interested in settling new immigrants (the Jewish Agency and the JNF) created many difficulties in the management of absentee property. He confirmed that the greatest part of absentee property had already been seized. The Custodian could do no more than attempt to bring order out of the chaotic situation. Everyone had wanted to make a profit from absentee property; therefore the Custodian and the government had to protect it. Unfortunately, the international and internal situations had caused many imperfections in the law. But the need for swift emergency action left little other alternative, apologized the government spokesmen.

Shortly before the 1951 elections, the government began to show its awareness of the predicament of "absentees" who were loyal citizens. The Custodian announced that they could have their movable possessions, if any of them could be found, and that he would give sympathetic consideration to release of immovable absentee property. On the eve of elections, Foreign Minister Moshe Sharett made a similar promise to a gathering of Arab notables. "Is it not strange that only now . . . measures are promised on behalf of the Arab minority? So far no steps have been taken. It seems hardly likely that the policy will change after the elections," *Ha-Arez* commented.[18]

Late in 1950, David ha-Cohen, a Mapai leader who often showed sympathetic understanding of the minority's problems, broke party discipline on the Arab question. He called upon the Kneset to amend the Absentee Property Law in favor of Arabs who were legal residents of Israel but classified as absentees. His proposal would permit Arab residents to keep any property which they might obtain in the future. The amendment did not affect the status of any property which was already controlled by the Custodian.

Even Arabs who were not absentees were liable to be affected by the law without ha-Cohen's amendment. If a non-absentee Arab citizen willed property to his wife or child or to another member of his family who returned to Israel under the plan to reunite families, their inheritance would be insecure. The Custodian could immediately seize it under the present law. Ha-Cohen's proposal was supported by the three Arab members of the Kneset.

They saw it as the first step in revising sections of the law which discriminated against Arab citizens.[19] When the 1951 election campaign was about to get under way, the Kneset passed the amendment.[20]

Another proposal to amend the law resulted from Israel's delicate negotiations to transfer Jews from Iran early in 1951. In the course of the talks, Teheran had raised the question of Baha'i property in Israel which was appropriated by the Custodian. Although Israeli Baha'is were Iranian subjects, they were legal residents of the country. To help them recover their property the Minister of Finance proposed to endow the Custodian with authority to cancel contracts for any place needed in "development or for state purposes." Individuals forced to move from absentee buildings by such cancellations would be provided with alternative dwellings. Eliezer Kaplan argued that the Custodian required such authority to avoid international complications resulting from seizure of absentee property of foreign subjects (like the Baha'is).[21]

Herut objected to this foreign pressure. It might set a precedent for allowing the return of Arab refugees and forcing Jewish occupants from absentee houses. Other groups also feared extending the Custodian's power and joined Herut in opposing the amendment proposal.[22] Finally it was withdrawn and the cabinet decided to solve the problem of Baha'i property by using the 1949 emergency regulations which permitted the government to seize any property in a national emergency.[23]

Mapai control of absentee property through the Minister of Finance caused frequent inter-party disputes. Right wing and independent newspapers accused the Custodian of favoritism toward Mapai- and Histadrut-affiliated institutions. They charged that most of the property was turned over to "Mapai institutions" at prices 50 per cent less than its market value. The Custodian was reproached before the Kneset's Financial Committee for selling absentee property to favorites or to a small circle of clerks within his Office. In all cases the government rebutted imputations of malfeasance as false issues created for political reasons alone.[24]

Among those who attempted to reap profits from absentee lands were government officials and representatives of the Jewish Agency who had inside contacts with the absentee property administration,[25] although orders of the State Comptroller forbade the lease of absentee property to any government official, representative of the Jewish National Institutions (Agency, JNF, etc.),

military or police personnel, or local authorities. Requests from such individuals were to be submitted to a central board which would pass on leases of absentee property. A decision was reached to lease absentee land only to officials who left government service. Nevertheless, there were instances in which such unauthorized individuals did reap large profits from absentee lands.

One such case appeared before the Supreme Court in May 1956.[26] It concerned the claim of an Arab resident of Jaffa, Sa'd Habib, who had owned an ice factory in that city. He left the country in 1948, but was permitted to return from London by the Israeli authorities in 1950. During his absence his property was vested in the Custodian. Immediately upon his return, Mr. Habib successfully took steps to have his absentee status canceled. However, in March 1950, after his return, the Custodian opened negotiations with a cooperative of ex-soldiers who had previously leased the ice factory, and in April 1950 sold Mr. Habib's equipment to the veterans despite his objections. Half the proceeds (£I1,030) were handed over to him in 1952. Mr. Habib's claim that he should have received £I6,000 for his property, was supported by the Tel-Aviv district court in 1952.

Although the Israel Supreme Court reversed the judgment in favor of the Custodian, it believed that the whole transaction smacked of corruption. Justice Witkon, in delivering the judgment stated that the Custodian had considered private above public interests. Moreover, the interests of the absentee in question had been ignored in the full knowledge that he was about to be relieved of his absentee status.

Charges that Mapai and the General Zionists had cornered the market on absentee property were made in a series of articles in *Ha-Arez* early in 1957.[27] The author, Yair Cutler, charged that when the two parties had worked together in a coalition government, the choicest holdings, especially former Arab-owned citrus groves, had been distributed among institutions controlled by Mapai and the General Zionists, instead of being made accessible to the public at large. Of the 120,000 *dunums* of absentee groves, a mere 66.5 *dunums* were distributed by public auction. Furthermore, some 2,000 to 3,000 *dunums* of citrus groves were "stolen property," that is, property which was taken over and cultivated by private operators without the knowledge of any official authority. As of March 1956, the Development Authority, which was responsible for the land in question, had no record of who held these 2,000 to 3,000 *dunums*.

Israel's High Court of Justice was convinced that the Absentee Property Law was unnecessarily severe and unfair to Arab citizens of Israel.[28] On several occasions it reprimanded the Custodian for seizure of Arab property.

The claim of Tanus Ilyas al-'Askar against the Custodian was typical of many cases which reached the courts and thousands that did not. 'Askar, a legal resident of Haifa, possessed an Israeli identity card, and voted in the national elections. In January 1948 he went to live in Fassutah, a village near Israel's northern frontier, but he returned to Haifa in March 1948. He then obtained permission from the Custodian to receive rent from his home in Haifa and to lease a shop. Shortly thereafter he was denounced as an absentee who had procured his contract under false pretenses. The Custodian certified that he was an absentee and ordered him to evacuate his shop. He was warned that, if necessary, force would be used to remove him.

'Askar appealed to the High Court for an order requiring the Custodian to annul the certificate which declared that he held absentee property, to cancel his status as an absentee and to hand over the shop for which he had contracted.

The Court decided that the evidence against 'Askar was groundless. The Custodian had recognized his *de facto* exercise of the rights and obligations of citizenship. 'Askar had been permitted to receive rent. He was taxed. He possessed an identity card. He participated in the national elections. Exercise of these rights and obligations gave him *de jure* citizenship prerogatives and automatically exempted him from the Custodian's arbitrary authority. The Court called attention to the unusual power of the Custodian to execute administrative justice in cases in which he desired a verdict favorable to himself. In the case in question, however, the claimant was an Israeli citizen. The Custodian, therefore, could not exercise his arbitrary power.

In the opinion of the Court, evidence presented by the Custodian showed that 'Askar was classified as an absentee in order to force his removal from his shop. This procedure interrupted the course of justice by depriving 'Askar of elementary citizenship rights. The fact that a person was an absentee did not completely deprive him of property. It merely transferred his rights to the Custodian, who was to use them in conformity with the law.[29] 'Askar should not have been served with an evacuation order without court approval.

"It can be said that the certificate [classifying 'Askar as an ab-

sentee] was issued only to deprive the claimant of elementary rights and of legal assistance and defense, and in this respect the Custodian acted in an untoward manner." Although the Custodian could classify an individual as an absentee if such were "his opinion," he could have no carefully formulated opinion in 'Askar's case, since he had refused to give 'Askar an opportunity to explain his position.

The comments of the court questioned the whole basis of the absentee law.

These regulations, as others give the authorities broader power than is warranted in these emergency times. The broad rights granted by the legislator to any authority places great responsibility in the hands of those who must often decide on the elementary rights of the interested parties. It makes it essential for them to act only after long and fair consideration and understanding of the results of their acts. Even the broadest authority does not justify arbitrary action and reliance on one's own judgment, which may be prompted by heartlessness or obstinacy. In order to bring these views to the attention of the authorities which will deal with this matter, we have decided to turn this file over to the Custodian's legal advisor.

In a concurring comment another member of the High Court stated that:

. . . this case amounts to an abuse of the law . . . the Custodian thought that these regulations grant him unlimited power to violate or cancel binding agreements. He attempted to lend this action a legal appearance by issuing a verdict favorable to himself. . . .[30]

Creation of a Development Authority was the next in the series of steps to legalize the *de facto* status of absentee property. Although the Absentee Property Law stated that the Custodian could sell property only to a Development Authority established by the Kneset, no such body was created until five months after the legislation took effect. In August 1950, after seven months of discussion, the Kneset passed a law which authorized the government to appoint a Development Authority of seven members representing the Prime Minister's Office, the Ministries of Finance, Labor, Agriculture, Interior, Communications and Justice. Members of the Planning Department of the Prime Minister's Office, the Jewish Agency and the JNF were also included.[31]

Originally the Government introduced a bill called "Law of Transfer of Property to the Development Authority," with the

intention of establishing an institution to safeguard "the right of disposition of real property." However the framework of the law was broadened so as to present the Authority with the function of actually carrying out development operations and not merely the transfer of property. According to Granott, "this extension of its competence was really artificial. To implement so extensive a program as development called for quite a different administrative organization, much larger and more diverse with far reaching competence. It was not feasible to carry out development incidentally as part of another operation, such as property transfer. This was obvious from the fact that after a brief period the Government opened a special Ministry of Development . . ." with extensive funds at its disposal. Its budget grew from £I49 million in 1949-50 to £I175 million in 1953-54.[32]

"The Development Authority Law was based upon a sort of legal fiction. It was not desired to transfer abandoned land to Government ownership, as this would be interpreted as confiscation of the abandoned property. The Government was disinclined to take such a step, which would have been unfavorably regarded abroad, and, no doubt opposed. The substitution by the Government of ownership in place of possession of the abandoned property would have exacerbated the relations between Israel and the Arab people. . . . However, it was not practical to dispose of the absentees' property without some legal status unless administratively, and this, too, was quite undesirable. It was necessary to find a means of disposing of the property legally. The Development Authority Law passed by the legislature of the State was based upon a principle which Israel had always approved, namely, the obligation of payment for land transferred to Jews. The sale of abandoned lands was not intended simply to increase the revenue of the Government, but to facilitate important objectives, necessary at the time—upbuilding of the country and absorbing immigrants."[33]

The Authority had power to buy, rent, lease, exchange or otherwise acquire property and to improve or develop it through building roads, railways, ports, mines, factories, housing, irrigation or establishing other settlement services. It was authorized to sell, lease or mortgage property only to the state, the JNF or government approved institutions for the settlement of landless Arabs, or to local authorities. None of these groups was permitted to retransfer property purchased from the Development Authority

without its consent. The JNF was given the first option on all purchases of land from the Authority.

Of the four million *dunums* of absentee land[34] held by the Custodian, two and a half million were cultivated. The cultivated land was nearly all occupied when the Custodian took possession of it. His appropriation was a mere legal formality. The people who had settled on the property before the Custodian appeared on the scene continued to use their holdings as though no change had occurred. In some instances they paid nominal rent to the government after the land was "seized" from them. The second step in legalizing the *de facto* occupation was purchase of the land by the Development Authority from the Custodian, without in any way disturbing its actual occupiers. The actual transfer agreement was signed on September 29, 1953.[35] The same process was repeated when the Development Authority sold the land to the JNF, which in turn asserted that all absentee property in its possession was leased. In most cases the leases were to the individuals or settlements which had occupied the land before the Custodian "seized" it.

The amount of money involved in most of these transactions was not published; the Director of the Development Authority did state that the first million *dunums* of absentee property which he purchased from the Custodian were resold to the JNF for about £I12 million, a greater sum than he had paid for it.[36] The lease of absentee property by the JNF to collective and cooperative agricultural settlements, to private agricultural companies and to industrial enterprises operated by the Histadrut or private entrepreneurs, completed the legal cycle of transferring about 60 per cent of the absentee property taken over by the Custodian. At the end of 1952 he claimed to hold under his direct authority one and a half million *dunums,* but still unaccounted for were 12,324,000 *dunums* of absentee property, most of which was Negeb waste land. By 1956, the Land Registration Division of the Ministry of Justice claimed to have dealt with the transfer to the Development Authority (and from that agency to the JNF) of 2,300,000 *dunums,* which were sold in accordance with the 1953 agreement between the Custodian and the JNF.[37] According to Granott (*op. cit.,* p. 111) the JNF acquired from the Israeli Government a total of 2,373,677 *dunums* of land, most of which must have been absentee property. The total amount paid by the JNF was £I89,421,685, or an average of £I37.7 per *dunum.* Of this area, 18,589 *dunums*

were urban land sold at an average price of £I323.3 per *dunum*. The sales were put into effect by two agreements, the first in 1949 when 1,085,607 *dunums* of rural land and 16,335 *dunums* of urban land were acquired by the JNF and the remainder by the 1953 agreement. According to an article in *Ha-Arez* of April 12, 1957 the JNF agreed to pay the Israel Government the sum of £I120,000 in rent for some 2,000,000 *dunums* of absentee property. As of April 1957 most of the sum was unpaid.

The decision to sell urban property directly to those who leased it from the Custodian, or to other purchasers, was announced early in 1953. Buildings and land would be sold at "prevailing prices" and the income would be turned over to the Development Authority for use in absorbing new immigrants.[38] The government's immediate requirements for cash necessitated this step.

The decision caused great concern to the Israeli Arabs who feared that their "absentee" property would also be sold. At a meeting in Nazareth called to clarify the situation, absentee Arab citizens were told to send their questions in writing to the Custodian's office for study.[39] A year later they had still received no reply. The decision also had international repercussions. In March 1953, the governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen alleged, in a memorandum to the CCP, that Israel was using the proceeds from the sale of Arab refugee property to finance settlement of new immigrants. In July they renewed their memorandum to the CCP and emphasized that they regarded the question as "extremely important and one which might be seriously detrimental to the interests of the Arab refugees." In answer to CCP queries about the first Arab memorandum, the Israel representative told the Commission that "any action taken would not impair any legal claims of the Arab refugees and that his Government would provide . . . further information." In July Ambassador Eban informed the CCP that Israel was prepared to discuss compensation for the property in question.

In reply the CCP pointed out that "it was on the question of the manner in which Arab property was being dealt with, and not on the question of compensation," that it sought information. It recalled that the General Assembly had given the Commission a responsibility in connection with the privileges and property rights of the refugees.

Two months later, on October 9, the CCP received the Israeli reply. It stated that the Israeli Government had authorized dis-

posal of refugee property in accordance with the Absentee Property Law of 5710-1950, which vested the property in the Custodian of Absentee Property. The latter had transferred it to the Development Authority under the terms of the Development Authority Law of 5710-1950. Funds realized from the property were turned over to the Custodian, and the countervalue was credited to the property for which it had been received. Israel's policy was to integrate refugees who were legally authorized to enter the country, but the government had not changed its views with regard to an overall solution of the refugee problem.[40]

The Arab delegations to the United Nations insisted that Israel's action was illegal and the Israel press reported in March that the Syrian Government was retaliating by preparing to place all property of Jews leaving the country under the custodianship of an administrator.[41]

Release of absentee property to Arabs began on a small scale as early as 1949, on recommendation of an inter-ministerial committee working with the Custodian. By 1954 over 100 thousand *dunums* of land were leased to about 5,000 Arab families in 100 villages. Most of them were refugees and absentees who had never left Israel. The government also resettled 370 refugee families in nine villages in connection with the committee's recommendations. Establishment of the villages was described by Foreign Minister Sharett as, "one step forward in the constructive resettlement of displaced persons living in Israel."

By 1953 the Custodian returned over 2,000 dwellings in urban areas to their Arab owners who had been classified as "absentees."[42]

A further step in legalizing control of absentee property by those who occupied it was the Land Acquisition (Validation of Acts and Compensation) Law of 1953.[43] The law was also an attempt to appease the growing sentiments which favored payment to the country's Arab citizens for their requisitioned property.[44] In effect it offered compensation for the 300,000 *dunums* of land which belonged to Arab citizens of Israel, but it made no reference to payment for refugees outside the country.[45]

The law included compensation for absentee property acquired from Arab residents of Israel for purposes of "vital development, settlement or security," between May 4, 1948 and April 1, 1952. All such land became the property of the Development Authority upon issue of a certificate by a government minister. Compensation was to be paid in cash or, if the former owners had earned their livelihood from agriculture and were now landless, they were

entitled to a grant or lease of an alternative plot sufficient to maintain them. In the latter case the government was authorized to choose the alternative plot and decided whether it was to be granted or leased. In disagreements between the owner and the requisitioning authority, cash payment would be given. All cash payments would be based on the value of the land in January 1950.

The Compensation Law was opposed in the Kneset by the seven Arab members and three left-wing parties (Mapam, Communists and Left Socialists). Mas'ad Qasis, member of the Mapai-affiliated Arab Democratic List, forcefully attacked its discriminatory aspects. He charged that any Arabs whose land was requisitioned were dependent on the good will of the Development Authority. Although property taken from Arab owners and absorbed by collective settlements could not be returned, he did not understand why it should be withheld from its owners, if it were neither under cultivation nor in security zones.

The law's protagonists claimed that breaking up large estates would help end the danger of feudalism. Qasis denied that such a danger existed. Only a handful of Israeli Arabs owned over 100 *dunums* of land. If one purpose of the law was to combat feudalism, it should have fixed a maximum size for land holdings, and should apply equally to Jews and Arabs.

Qasis strongly opposed compensation in the form of leases for land previously owned by Arabs on the grounds that it would give the government unusual powers over former Arab landowners. Cash compensation based on the 1950 value of the land was also unfair. In 1950 Arabs were permitted to sell land exclusively to the JNF. They received no more than £I25 per *dunum* and in some places as little as £I15, whereas the present price was nearer to £I250 or £I350 per *dunum*.[46] Qasis proposed to give the courts power to fix the kind and amount of compensation, as ordered in the U.N. partition resolution.

He accused the government and various institutions of holding property illegally and unjustly for other than security or development reasons and wanted to confine their power to requisition of Arab lands which were either actually settled, or used for security purposes. Although the government prevented Arabs from securing ownership of their land, in many places it permitted them to lease their own holdings from the Custodian.[47] Jewish collectives, on the other hand, were given land in some villages still legally inhabited by Arabs. In such cases talk of development and security

was "sheer deception." Qasis, therefore, proposed an unconditional return of the land to their rightful owners.

Of Israel's eight and a half million cultivable *dunums* only half a million were cultivated by Arabs.[48] The area represented one-seventh of the three and a half million *dunums* under the plow in 1953. Arab peasants, however, supplied 30 per cent of the country's grain, 40 per cent of its vegetables and nearly 100 per cent of its tobacco and olives. Despite their large agricultural contribution, the government refused to restore the untilled land which belonged to the 30,000 Arab refugees[49] who legally resided in Israel. The government often prevented Arab farmers from cultivating unoccupied land near their own villages. Much of the 300,000 *dunums* requisitioned under the Land Acquisition Law was uncultivated. If the government wanted these lands developed, Qasis thought it should return them to their owners.

In his opinion the law violated the United Nations Human Rights Charter by legalizing unjust action taken against an Arab minority.[50]

The Chairman and a member of the Kneset's Legal Committee answered Qasis. They believed that their law was fair and required no amendment. Its date for evaluation of Arab lands, January 1, 1950, was already a compromise. The Committee had fixed the date to prevent owners from benefiting by any rise in value caused by improvements of the Development Authority. To compensate for currency devaluation between 1950 and 1953 the Committee added 3 per cent per year to the 1950 value of requisitioned land. (In January 1950 the average official value of the Israeli pound was about $2.80. At the time of the Kneset debate on compensation, the average official value of the Israel pound was about $1.00.) According to the Committee, the purpose of the law was to legalize acquisition of Arab property while simultaneously compensating the owners. Naturally it was impossible to achieve absolute justice; nevertheless, "what needs correcting as a result of establishing the state must be corrected."[51]

The purpose of the law, according to *Ha-Arez,* was to legalize seizure of Arab land by collective settlements which desired to increase their property. "There is no reason to legalize the fact that certain farms exploited the victory of the State in the defense war against invaders, to seize for their own benefit the lands of their neighbors. . . ." It withheld support from the law for three reasons. It was not generous. It lacked political understanding of factors necessary to reconstruct the Arab community "whose agri-

cultural life was undermined by perverse actions." It showed no recognition that "seizure of the minority's property is liable to undermine the foundations of private property rights." [52]

Implementation of the compensation provisions of the Land Acquisition Law became a function of the Development Authority which was charged with the investigation of claims, negotiations with claimants and awards of compensation. By 1956 it reported that 3,075 files had been opened and that during 1955-56, 1,053 claims were settled by payment of money or land for some 16,000 *dunums*.[53] The *Jerusalem Post* (June 22, 1956) reported that, in all, 6,000 families were affected by the law and that the claims of 1,200 of these families had been settled while another 2,000 claims were being dealt with.

By 1956 about half a million *dunums* of absentee property was rented to Beduin tribes in the Negeb. In all, about 100,000 *dunums* of former Arab-owned land elsewhere were rented to Arabs, most of whom obtained the land on leases for only one year. About one and a half million *dunums* were rented to Jewish individuals and companies. Most of the rented absentee agricultural land was in the hands of some 255 agricultural organizations.[54]

Two main principles emerged from the intertwined political and economic forces which shaped the pattern of Israel's reaction to Arab refugee property. There was, on the one hand, administration and use of the property itself, and, on the other, policy regarding its owners.

The problems of property administration and use became linked to those created by the influx of new immigrants and their economic absorption in the country. When the state was established, it anticipated neither the degree of population increase nor the windfall of Arab economic assets. By using the Arab property, the government facilitated the settlement of Jews from the Diaspora. In view of Israel's critical strategic situation, large immigration was urgent to overcome its severe manpower shortage. The new population followed a fundamental law of nature and filled the vacuum left by the Arab refugees.

The precipitous and unanticipated process compounded the number of problems already confronting the government. The new immigrants were often unwilling or unequipped to settle in many of the Arab areas to which they were assigned. Their inability adequately to use or care for much of the property resulted in great national waste. When the occupation of the land began, Israel was faced by so many problems of national defense, gov-

ernment organization and economy, that little attention was given to the management policy of Arab refugee property. Only after much damage was done did the government become aware that the fragments of improvised policy which determined the use of this great national asset were seriously inadequate. By then, since political relations with the Arab states augured little hope of peace or an early return of refugees, the government acted accordingly. Instead of *ad hoc* decisions, it adopted an open and clear policy of absorbing Arab refugee property into the national economy.

Policy toward the owners was shaped by that toward their holdings. As it became clear that most of them would not return to Israel, steps were taken legally to end their property ownership there. Since much absentee property belonging to Israeli Arab residents was in strategic border areas, there was, at first, little or no distinction made between them and the refugees who fled from the country. The failure to separate management of property seized from Arab residents and that of the holdings left by those who fled, often resulted in inequitable treatment. But internal Jewish and Arab political pressures finally forced the government to attempt to rectify measures which were considered discriminatory. The Land Acquisition Law was enacted to compensate Arabs within the country who were victims of the previous failure to distinguish them from the Palestinians who were in enemy territory. But the discriminatory provisions of the Law met opposition from the minority and several Jewish groups.

Under international pressure, Israel finally evolved a compensation policy for the property of the Arabs who left the country. It did not give consideration to individual claims, but treated the issue on a global basis. Details of the political and technical problems of Arab refugee compensation are treated at length in the next two chapters.

NOTES

1. Israel Government, *Reshumot, Sefer ha-Huqim,* 1949/50, pp. 86-101: The Absentee Property Law, 5710-1950, passed by the Kneset, Mar. 14, 1950: The government's bill introducing the legislation underwent only minor changes before it was enacted into a law by the Kneset. *Jerusalem Post,* Nov. 25, 1949.

2. *Divrei ha-Kneset,* Vol. III, p. 139; Government of India, *Gazette of India Extraordinary,* June 13, 1949, The Administration of Evacuee Property (Chief Commissioner's Provinces) Ordinance, 1949 (XII of 1949); Government of Pakistan, *Gazette of Pakistan Extraordinary,* Ordinance no. XIX of 1948, published by the Ministry of Refugees and Rehabilitation, Oct. 18, 1948: (Kaplan was apparently referring to the Pakistan legislation which permitted the central government to use abandoned property to repair the "dislocation in the economic life of the Do-

minion. . . ." (article 6)). The Israeli legislation, however, more closely resembled the English Trading With the Enemy Acts of 1914 and 1939.

3. Palestine Government, *Palestine Gazette,* No. 1065 of Dec. 20, 1940, Supp. no. 1, p. 218; *Palestine Gazette,* No. 1182 of Mar. 10, 1942, Supp. no. 1, p. 9.

4. *Divrei ha-Kneset,* Vol. III, pp. 148-49, Vol. IV, p. 870.

5. *Ibid.,* Vol. IV, pp. 870-71.

Roqah (General Zionists)—"We must make possible the return of Arab friends who helped us."

Klebanoff (General Zionists)—"It is a mistake to consider absentees enemies."

Ha-Cohen (Mapai)—"We need a special office to which returnees can go, and to those who remained, we must give help. We must further the reunion of families."

Ben-Ami (Sephardim)—"This law affects the rights of citizens of all communities. The definition of an absentee in this law is very prejudicial."

6. *Ibid.,* Vol. III, pp. 148-49, Vol. IV, pp. 1043-45; Amendments proposed by Arab Kneset members but rejected by the Kneset were:

Tubi—"Absentee means—a person who . . . lived permanently in one of these countries (Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or Yemen), or in any part of Palestine outside Israel territory." (para. 1.(b) (i) (ii).)

Tubi—"Absentee means—a person who . . . was a Palestine or Israel citizen and left his town or village of habitual residence in Palestine and is now outside Israel's territory." (para. 1.(b) (1) (iii).)

Tubi—"The Custodian must safeguard every property held and not release it except by instructions contained in this law and he alone or through another having his written agreement, may spend or make all necessary investments for property maintenance, repair, protection, etc." (para. 7).

Tubi—delete the paragraph permitting the Custodian to sell property to the Development Authority. (para. 19).

Tubi—The Custodian must give any person who is proved to be legally in the country a certificate confirming that he is not an absentee. (para. 27.(b).)

Tubi—The Committee must accept every request for freeing absentee property submitted by owners who are legal citizens of Israel. (para. 29).

Tubi—Lower the remuneration due to the Custodian for care of returned property from five to one per cent.

Jarjurah—"absentee means—a person who . . . was a Palestine or Israel Citizen and left his place of habitual residence in Palestine and left Israel territory and is not there." (para. 1. (b) (i) (iii).)

Jarjurah—Official value of property will mean the price which may be received according to the evaluation of an unbribed specialist if the property is sold on the free market by a voluntary seller to a voluntary buyer. (para. 19. (d)(1).)

7. *Ibid.,* Vol. IV, pp. 871, 982.

8. Ha-Cohen, *Ibid.,* Vol. III, pp. 158-59; Elyashar, *Ibid.,* Vol. III, pp. 149-50; Vol. IV, pp. 951-52; Bader, *Ibid.,* Vol. IV, pp. 918-21 (*passim*).

9. *Divrei ha-Kneset,* Vol. III, pp. 38-40, 140-42, 153, 155-56, 159-60.

10. *Ibid.,* Vol. III, pp. 153-55.

11. *Ibid.,* Vol. III, pp. 152-53, 155-56; Vol. IV, pp. 918-21, 951-52, 956-60, 963-65, 982, 983.

12. *Ibid.,* Other amendments proposed by Jewish members and rejected were:

Elyashar and Sneh—"absentee means—a person who . . . was a Palestine citizen and left his place of habitual residence in Palestine for a place outside Palestine before September 1, 1948; or for a place in Palestine held at that time by forces which sought to prevent the establishment of the State of Israel or which fought against it after its establishment; and did not legally return to Israel." (para. 1. (b)(1)(iii).)

Bader—Delete the paragraph classifying groups of persons as absentee (para. 1. (b)(2).)

Roqah—The Custodianship Board is an association called the Custodian for Ab-

sentee Property. The one who implements the Board's decision is the Custodian. (para. 2(b).)

Roqah—The Custodianship Board may carry on the management of a business for an absentee. (para. 8(a).)

Elyashar—The Custodian must grant maintenance allowances to persons legally in Israel who were supported by an absentee. (para. 9(a).)

Bader—The right of a claimant to absentee property is reserved to submit claims to an authorized court of law. (para. 10).

Bader—Delete "in the Custodian's opinion" if any property is held by a person who has no right thereto. (para. 10(a).)

13. *Ha-Arez,* Mar. 20, 1950 and July 2, 1951.

14. *Ibid.,* July 8, 1951.

15. *Divrei ha-Kneset,* Vol. III, p. 139; Vol. IV, pp. 868-70 and Vol. III, pp. 139, 150-52, 161-65.

16. *Ibid.,* Vol. III, p. 137; Government of India, *op. cit.:* article 31 of India's Evacuee Property Ordinance exempted the Custodian from jurisdiction of the courts in most matters; Government of Pakistan, *op. cit.:* article 16 barred jurisdiction of civil courts in most cases.

17. *Divrei ha-Kneset,* Vol. III, pp. 137, 161-66; Vol. IV, pp. 984-85 (Tubi), 871.

18. *Ha-Arez,* July 2 and June 2, 1951.

19. *Divrei ha-Kneset,* Vol. VIII, pp. 316-18.

20. *Ibid.,* Vol. VIII, pp. 1254-56; *Jerusalem-Post,* Aug. 3, 1950; *Ha-Arez,* Mar. 7, 1951; Israel Government, *Reshumot, Sefer ha-Huqim,* 1950-51, No. 29, pp. 70-71, The Absentee Property Law (Correction) 5700-1951; passed by the Kneset, Mar. 6, 1951.

21. *Divrei ha-Kneset,* Vol. VIII, pp. 780-82, 793-96; *Jerusalem Post,* Jan. 15, 1951.

22. *Divrei ha-Kneset,* Vol. VIII, pp. 787, 788-93, 1254-56.

23. Provisional Israel Government, *'Iton Rishmi,* Supp. II, no. 39, Dec. 24, 1948, pp. 87-89, Law and Administration Ordinance, 1948, Emergency Regulations (Seizure of Property) issued by the Minister of Finance, Dec. 22, 1948; *Reshumot, Sefer ha-Huqim,* 1949-50, pp. 56, 71, 57, 269; Laws to extend validity of Emergency Regulations (Seizure of Property).

24. *Jerusalem Post,* July 17, 20, 1951; *Ha-Arez,* Dec. 6, 13, 1950; July 2, 17, 20, 1951, *Ha-Boqer,* Apr. 4, 9, July 11, 15, 16, 27, Oct. 4, 1951, Jan. 29, 1952; *'Al ha-Mishmar,* Jan. 11, 1951; *Ha-Zofeh,* Jan. 27, 1950; *Davar,* Sept. 29, Oct. 26, 1950, July 20, 1951.

25. *Ha-Arez,* April 17, 1956.

26. *Jerusalem Post,* June 7, 1956, "Law Report," Case No. C.A. 58/54.

27. *Ha-Arez,* March 29 and April 12, 1957.

28. *Jerusalem Post,* Jan. 6, 1950, Sept. 3, Oct. 16, 1951; *Ha-Arez,* July 20, 28, Sept. 27, Nov. 14, 1950, Aug. 7, Oct. 14, Nov. 25, 1951; Mar. 18, June 2, 1952; *Ha-Boqer,* Nov. 25, 1951; *Ha-Zofeh,* July 30, 31, 1950, Nov. 22, 1951; Israel Lawyers' Society, *op. cit.,* Vol. VI, 1951-52, file no. 81/51, p. 207, file no. 89/51, p. 382; Vol. V, 1951-52, file no. 3/50, p. 114, file no. 43/49, p. 242, file no. 37/49, p. 287; Vol. IV, 1951, file no. 91/50, p. 344; Vol. III, 1950-51, file no. 57/49, p. 65, file no. 48/49, p. 403; Vol. IV, file no. 137/50, p. 347.

29. In a decision delivered on May 31, 1956, the Supreme Court sitting as the Court of Civil Appeals declared that the Custodian of Absentee Property had no responsibility whatsoever toward an absentee. The Court based its decision on an analysis of various English precedents dealing with the status of the Custodian of Enemy Property which declared that the Custodian was not the agent or trustee of the aliens whose property is vested in him. Justice Witkon in delivering the judgment of the Supreme Court compared Israel's Absentee Property Law with the English Trading With the Enemy Acts of 1914 and 1939 which bear a great resemblance to the Israel legislation. He came to the conclusion that, if anything, it was more difficult to find any basis for an argument based on trusteeship in the Israel

law than in the English acts. It is quite clear, the Court declared, that section 4 of the Israel law vests all rights hitherto possessed by the absentee in the Custodian and that this is the main thread running through the law. Even should an absentee cease to be such or have his property restored to him, there is no retroactivity in the process. Therefore the ex-absentee has no claims, within the framework of the law against the Custodian for any losses caused by the deliberate or accidental mismanagement of his property while it is vested with the latter. The purpose of the law is to protect the property of absentees and to prevent it from falling into the hands of the first comer. Therefore the law gives the Custodian virtual powers of ownership. But it was never the intention of the law to make the Custodian responsible to absentees for the management of their property. *Jerusalem Post,* "Law Report," June 7, 1956, p. 2, case no. C.A. 58/54.

According to A. Granott (*Agrarian Reform and the Record of Israel,* p. 93) under the Absentee Property Law: "A unique legal status was created—from the law's viewpoint the right of ownership apparently remains valid without any flaw, but in fact it is only an abstract ownership, seeing that all the characteristics of ownership are intangible—the owners are unable to utilize their land, they do not enjoy its fruits, and furthermore the property is frozen, for the owners cannot transfer their rights to others, it having been absolutely withdrawn from commercial disposition."

30. Israel Lawyer's Society, *op. cit.,* Vol. V, file no. 43/49, p. 242.

31. *Jerusalem Post,* Feb. 13, 1950, July 17, 20, 1951; *'Al ha Mishmar,* Aug. 1, 1950, Jan. 11, 1951; Israel Government, *Government Year-book* (English edition) 5712 (1951-52) Development Authority (Transfer of Property) Law, 5710-1950, no. 62, passed by the Kneset on July 31, 1950, p. 217; *Divrei ha-Kneset,* Vol. III, pp. 226-28, 293, 303-10; Vol. VI, pp. 2370-88, 2438-43.

32. A. Granott, *Agrarian Reform and the Record of Israel,* pp. 100-101.

33. *Ibid.,* p. 102.

34. Nearly all the 4 million *dunums* were cultivable according to the UN, although Israeli sources maintained that not more than 3 million *dunums* were cultivable.

35. Israel Government, *Government Year-book* (English edition) 5717 (1956) p. 225.

36. There is no public record of the transactions mentioned in this paragraph. Most of the information is based on interviews with the Custodian of Absentee Property, the Director of the Development Authority, and responsible officials of the JNF and the Jewish Agency.

37. Israel Government, *Government Year-book* (English edition) 5717 (1956) p. 314.

38. Israel Government, Custodian of Absentee Property, *op. cit.; Jerusalem Post,* Jan. 18, 1953; *Ha-Arez,* Jan. 18, 1953.

39. *Ha-Arez,* Jan. 21 and Jan. 27, 1953.

40. U.N. G.A. PR, A/2629, CCP 13th Progress Report, pp. 7-10.

41. *Jerusalem Post,* Mar. 4, 26, Apr. 12, 16, 1953; *Ha-Arez,* Feb. 2, Mar. 5, 1953.

42. *Jerusalem Post,* Oct. 10, 1952: As of August 1, 1952, 828 houses, 276 plots, 22,127 *dunums* of land were returned upon the recommendation of the Committee. The Committee held monthly meetings at which these decisions were made. When property was returned, an account of expenses and income was given, and the cash balance, if any, was turned over to the owner. The lease of property to Arabs was made according to the following priority: (a) refugees and Arab veterans of the Israeli Army, (b) tenants, (c) landless peasants, (d) relatives of farmers who were able to till more land; *Ha-Boqer,* Dec. 14, 1950: The Committee was composed of representatives of the Ministries of Agriculture, Finance, Foreign Affairs, Interior, Justice, Police, Military Government Headquarters, and headed by Mr. Y. Palmon,

the Prime Minister's Advisor on Arab Affairs; Government of Israel, Custodian of Absentee Property, *op. cit.; Ha-Arez,* Jan. 18, 20, 1953; *Jerusalem Post,* Feb. 12, 1953.

43. Israel Government, *Reshumot, Sefer ha-Huqim,* 1952-53, no. 122, pp. 58-60, Land Acquisition Law (Validation of Acts and Compensation) 1953, passed by the Kneset, Mar. 10, 1953; *Jerusalem Post,* Mar. 5, 11, 12, 1953; *Ha-Arez,* Mar. 10, 1953; *Divrei ha-Kneset,* Vol. XIII, pp. 878-81.

44. *Ha-Arez,* Feb. 5, 1952.

45. Estimates of land taken over by the Israel Government from its Arab citizens vary between 300,000 and 1,000,000 *dunums.*

46. Due in part to devaluation of the Israeli pound, which dropped to between a quarter and a fifth of its original value, and the normal increase in property values due to the growing population pressures.

47. *Ha-Arez,* April 17, 1956.

48. As of the beginning of 1957 the Israel Government claimed that: "The Arab villages cultivate about 1,250,000 *dunums* of their own land and another half million *dunums* of State land." *Facts About Israel,* Israel Office of Information (N. Y.) 1957, p. 46.

49. The approximately 30,000 Arabs who fled from one part of Israel to another during the fighting.

50. *Divrei ha-Kneset,* Vol. XIII, pp. 889-98 (*passim*).

51. *Ibid.,* pp. 856-57, 859-60, 888-98 (Moshe Ona and Izhar Harari—*passim*).

52. *Ha-Arez,* Mar. 10, 1953.

53. Israel Government, *Government Year-book* (English edition) 5717 (1956) p. 224.

54. *Ha-Arez,* April 17, 1956. Although large profits were to be made from farming absentee land, rents paid were very low. Intensive cultivation of 20 *dunums* could produce an annual income of between £I3,000 and 4,000.

CHAPTER X

Early Problems of Compensation

ONE OF the first controversial issues to emerge from the Palestine dispute was compensation for property abandoned by Arab refugees. From 1948 until 1950 Israel resisted American and United Nations pressure to pay for the property it acquired from the Palestinians. In 1950 it finally agreed in principal to compensate them.

From 1951 until the beginning of 1957, the CCP was primarily concerned with problems of compensation and release of Arab bank accounts frozen by the Israeli authorities. The Commission hoped that progress on these two issues would substantially diminish friction between the antagonists and contribute to a peaceful settlement of the Palestine conflict.

By the end of 1957, the CCP had taken four steps towards a solution of the compensation issue: (1) completed a global estimate of the value of Arab abandoned property; (2) persuaded the Government of Israel to consider payment before a final peace settlement; (3) obtained the release of nearly all the four million Palestinian pounds in Arab refugee accounts frozen in Israeli banks; (4) identified a large proportion of individual refugee property holdings abandoned in Israel. In spite of this apparent progress, technical complications and political qualifications continued to deter settlement.

The Israelis retorted with counterclaims against the Arabs for war damages and Jewish property frozen in some Arab countries. They also linked the end of the Arab economic boycott and blockade to the compensation issue. Their agreement to settle the problem was hedged by numerous qualifications which were unsatisfactory to the United Nations and the Arab states. Many of these political qualifications were functions of strong pressures in Israel against payment of any compensation at all.

The Arab states also raised a wall of political difficulties which complicated progress toward payment. Realizing that Israel was economically incapable of producing the vast sums required to settle the issue, the Arabs cast responsibility upon the United Nations and the great powers, particularly the United States and

Great Britain. When Israel negotiated a reparations settlement with the Federal German Republic, the Arab states attempted to introduce the question of compensation for the Palestine refugees. They further clouded the issue by insisting on individual payment rather than global compensation and by protesting against the accuracy of the amount of the CCP evaluation of refugee property in Israel.

After 1951 the CCP attempted to avoid most political aspects of the Palestine issue, but problems of assessing individual property holdings, means of raising funds for compensation and methods of payment confounded efforts to deal with the compensation issue on a non-political level.

Early Recognition of the Compensation Issue

Early in the Palestine conflict the United Nations Mediator, Count Folke Bernadotte, drew attention to the problem of compensation. In his progress report to the United Nations in September, 1948, he told of ". . . numerous reports from reliable sources of large scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity." He felt that the Provisional Government was liable for restoration of private property to its Arab owners and for indemnification to those whose property was wantonly destroyed irrespective of any indemnities which the Provisional Government might claim from the Arab states.[1] The Mediator recommended that there be "assurances of adequate compensation for the property of those [refugees] who may choose not to return" and that "payment . . . be supervised and assisted by a United Nations Conciliation Commission. . . ."[2]

Israeli Foreign Minister Moshe Sharett replied that his government was not only unwilling to shoulder responsibilities on behalf of the Arabs, but that it considered itself entitled, and was indeed determined, "to claim compensation from the Arab states for all the havoc and destruction, the loss of life, property and livelihood, which the criminal folly of their armed intervention in Palestine has wrought."[3]

The U.N. Third General Assembly accepted the Mediator's recommendations and resolved that "compensation should be paid for property of those [refugees] choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by Governments or authorities responsible."[4]

In debates prior to the adoption of the resolution, Israel's representative Abba Eban objected to the omission of his country's counterdemands and called attention to Israel's claims for private and public buildings destroyed by the Arabs.[5]

The CCP immediately began discussions of the compensation issue with Arab and Jewish representatives. After making a survey, the Commission's Technical Committee on Refugees[6] concluded that it was necessary to set up under the CCP a mixed Arab-Israel working group on property compensation, supervised by a United Nations or other neutral expert, to make a more detailed study. The group could be authorized to form sub-committees to supervise conservation of existing properties; determine property ownership; and evaluate property damages. The Committee suggested that certain Arab lawyers, land-appraisers and economists, who were experts in the field of property compensation should serve on the working group. As a preliminary, it proposed the collection of such basic documents as the microfilmed copies of property registration in the British Colonial Office in London.[7]

Late in 1949 the Economic Survey Mission for the Middle East was assigned, among its many tasks, the job of facilitating payment of compensation. Its final recommendations, however, did not mention the problem.[8]

During 1949 neither the United Nations nor other agencies made much progress toward payment of compensation. No definite proposals or plans were offered, and the issue remained one of principle rather than substance. In its final progress report of that year, the CCP stated that discussions of compensation had been postponed.[9]

One of the first indications of a possible change in Israel's attitude occurred on June 15, 1949 during a Kneset debate on the Arab refugee problem. Foreign Minister Sharett then conceded that his government was prepared to pay for abandoned land, but he did not indicate clearly the conditions. "There are not many precedents for such a step," he asserted, but as Israel was interested in peace and stability and was concerned over the human suffering of the refugees, it would not follow the exact example of other nations.[10]

Repatriation versus resettlement was the primary emphasis in the debate. The only objection to the principle of payment came from Menahem Begin, leader of the ultra-nationalist Herut party. He demanded full war compensation from the Arab states before consideration of payments to the refugees. After Israel had re-

ceived its due, it was most unlikely that there would be anything left to the refugees' credit.[11]

Moshe Smilanski, a leader of the movement for Arab-Jewish rapprochement and a columnist of *Ha-Arez,* was an early protagonist of compensation as an alternative for repatriation of what had become a bitter, hate-filled minority. Although Israel had insufficient funds for just indemnification, he suggested that the government approach the U.N. for a loan. Smilanski hoped that ". . . our leaders have the courage for a compromise. . . ." In his view, payment of compensation would mitigate the growing problem of infiltration by helping to relieve the condition of Arab farmers who were deprived of their land as a result of border rectifications negotiated in the Israel-Jordan armistice agreement. "Infiltration will not be uprooted by the sword," he warned. "We must uproot the causes of infiltration. Persons without a roof over their heads, or bread to eat, will endanger themselves to return to their homes and land. Having nothing to lose, they will even risk death by the sword, which is better than death by starvation."[12]

Compensation Becomes Linked with Resettlement

During the first half of 1950, the compensation issue remained dormant. It was considered academically, with emphasis on methods of studying evaluation and attempts to obtain the reactions of Israel and the Arab states to the problem.[13]

Not withstanding its emphasis on the importance of the compensation problem, the CCP advised the Fifth General Assembly to "limit itself for the present to . . . general observations."[14] Despite the incompleteness and vague conclusions of the studies undertaken by its subsidiary bodies, the CCP recommended immediate compensation for non-returning refugees without designating either methods or means of payment.

After notifying Israel of its intention to set up a special body to study technical and legal aspects of compensation, the CCP was informed that: "The Government of Israel, although confirming its decision in principle to pay compensation . . . persisted in its point of view that this question could be usefully considered only within the framework of a general peace settlement. . . ."[15] Sharett told the press: "We are against nibbling at the problem of peace," and he emphasized that there was no change in Israel's policy of advocating resettlement as the basic solution of the refugee problem.[16]

The Arab delegations to the CCP insisted on compensation in

kind for refugees who would not return to Israel. This might, they agreed, take the form of territorial compensation within those areas held by Israel beyond the borders of the United Nations' partition plan of November, 1947.[17] The political correspondent of *Ha-Arez* had reported in October, 1949 that Nuri al-Sa'id, Prime Minister of Iraq, proposed an exchange of Jewish property in his country for that abandoned by the Palestine Arabs, as part of an overall exchange of populations. The writer warned that the suggestion was merely an "Iraqi tactic," of which Israel had taken no notice.[18]

Late in 1950, plans were being prepared for presentation of an Arab refugee resettlement scheme to the U.N. General Assembly.[19] A *quid pro quo* was needed from Israel to obtain the reluctant approval of the Arab states. Accordingly, the U. S. Government exercised pressure on Israel to make a tangible indication of its willingness to pay compensation before the Assembly opening. The United States realized that under existing economic conditions Israel could only make a statement of principle. Desiring to keep the compensation card to trump Arab peace talks, Israel temporarily resisted America's demands. On the other hand, its position was complicated by the fact that Eliezer Kaplan, the Minister of Finance, was in the United States at the time to negotiate a $35-million agricultural loan from the Import-Export Bank.[20]

The first indication of an actual change in Israel's attitude came early in November at a meeting of the General Assembly's *Ad Hoc* Political Committee. Abba Eban reported that his government was now ready to study the problem of compensation with a competent organ of the United Nations. He directly linked the question with the proposed United Nations reintegration fund, by offering compensation for abandoned Arab lands provided it was paid into the fund. Israel preferred collective rather than individual methods of compensation. This offer, Eban asserted, was the first step toward a final settlement of the refugee question. It did not mean however, that Israel would abandon the right to safeguard property of its own nationals in Arab countries or its claims for Arab war damages.[21]

Israel made a definite concession after the end of November when the Foreign Minister announced that Israel was willing to contribute compensation installments to the integration fund.[22]

The Fifth General Assembly adopted the CCP recommendations in two separate resolutions: one dealing directly with compensation; the other with resettlement and the integration fund.

Resolution 394 (V) noted with concern that payment of compensation had not been effected and instructed the CCP to establish a refugee office to "make such arrangements as . . . [the Commission] may consider necessary for the assessment and payment of compensation. . . ."

Although the Assembly did not directly link compensation and resettlement, it called on the United Nations Relief and Works Agency (UNRWA) to establish a $30-million reintegration fund for projects requested by any Near East government and approved by the Agency for the "permanent reestablishment of refugees and their removal from relief."[23]

Sharett objected to the ambiguous phrasing of the resolution. He feared that compensation was to be paid by two quite different methods and through two entirely unconnected channels. He felt that the offer to pay installments into the integration fund should exempt Israel from paying direct compensation. Apart from contributions to the reintegration fund, all other questions without exception would be considered within negotiations for a final settlement, when Israel would raise its claims to war damages.[24] Eban later stated that Israel's ability to pay compensation was limited as a direct consequence of the economic effects of the Arab blockade and boycott. He emphasized that Israel had not formulated any principles for compensation, but was willing merely to discuss assessment and procedures for payment with the Committee of Experts established by the CCP. He opposed the provision of the new resolution to establish a special office for compensation, since Resolution 194 (III) had already given the Commission such power and a Committee of Experts already existed.[25]

A few days later Eban announced that Israel would make a contribution of one million Israeli pounds to the integration fund. However, he again served notice that in his opinion this payment freed Israel from any individual compensation.[26]

The General Assembly's resolution on compensation reactivated CCP activities on the issue. The resolution marked a new phase in the CCP's work, "a phase in which it must progress from general discussions to the seeking and, in certain cases, the putting into operation of practical measures towards a liquidation of the refugee problem." To explore such measures, the Commission established a Refugee Office in January, 1951, headed by Holgar Anderson of Denmark. The nucleus of its staff was the Committee of Experts on Compensation.[27]

In the spirit of the new approach, linking compensation with

resettlement, the Refugee Office established liaison with UNRWA and agreed with its director on a division of tasks in the areas of reintegration, repatriation and compensation.

The new attack on the compensation issue now faced the United Nations with a triple task: to develop resettlement plans, to acquire money for their implementation and to obtain payment on account of Israel's promise of compensation.

Israel approved the policies of its U.N. delegation. *Ha-Arez* supported its stand as did the *Jerusalem Post,* whose political correspondent reported that the government had clarified its willingness to consider compensation for "land previously under cultivation and now abandoned." Israel refused to acknowledge liability for unused desert or barren lands or for various other forms of property, the previous ownership of which was unknown. "Although this offer is, in a political sense, unconditional, Mr. Eban will probably make it very clear that Israel considers any such move as a step toward wider discussion, intended to lead to a final peace settlement. . . ." *Ha-Boqer* then also supported the government's agreement to pay, but only "as well as she is able and so long as no direct political or financial responsibility is attached to her for the [refugee] flight." Its editors compared the position of the Palestine Arab refugees to the millions of Germans expelled from Czechoslovakia and Silesia. No one would dream of demanding compensation for them; therefore, *Ha-Boqer* argued, Israel's position was even stronger, since it did not drive out the Arabs. The newspaper's opinion was that the West demanded this concession from Israel to salve the wounded pride of the Arabs and to facilitate retreat from their stubborn refusal to see reality.[28]

Foreign Minister Sharett told the Kneset that the Assembly's resolution indicated its new approach to the refugee problem. The emphasis on compensation and resettlement rather than upon repatriation was an important stage in Israel's campaign to remove from the United Nations' agenda "illusionary solutions and to help concentrate on a practical solution." However, he warned, it did not end the problem.

Sharett also took the opportunity to clarify Israel's declaration of willingness to "waive its previous requirements that refugee property be compensated for only as part of a general peace agreement." This new approach would be possible "only should it become clear that separation of the compensation problem from others can help relieve the misery of the refugees and hasten peace." Israel's contribution of compensation to the United Na-

tions' reintegration fund would have to be deducted from the overall amount owed the Arab refugees and would have to release the state from dealing with individual claims. He foresaw that the lack of Arab support for resettlement plans financed by the integration fund would be a serious obstacle. Israel's contribution would depend upon existence of conclusive evidence that the funds would be spent on final resettlement of the refugees and on a guarantee that "every payment into the fund released it from individual claims."

Sharett pointed out that the whole issue of compensation was still in a state of flux, with little background knowledge of how much, to whom, when, and in what manner payment would be made.

His announcement was accompanied by a warning to the Arab states that Israel's compensation proposal would not stand permanently. Like the offer to repatriate 100,000 Arab refugees, it was subject to recall. The opportunity for receiving compensation could also be neglected and lost. Everything depended on the other side. For the time being Israel had no reason to withdraw the proposal, but: "the other side had better voice its opinion. It has lost more than one opportunity of achieving better conditions than it is being offered today, and it is liable to lose this opportunity as well."[29]

Shmuel Katz of Herut made the only strong attack against payment of compensation. He believed that Israel's offer constituted acceptance of responsibility for the refugee problem. "We should reject any form of responsibility," he argued. In the past, the more unyielding Israel's position had been, the more successfully it had rejected concessions. "If the world feels so conscience-stricken about the refugees, we will not prevent them, but this feeling should not be at our expense." Instead of discussing Arab demands for payment at the U.N., "our demand for compensation should have been the center of the debate, whereas it has either been suppressed or given an unsure expression."[30]

Freezing Iraqi Jewish Property

Early in March, 1951, Israel's compromise offer was suddenly jeopardized by an Iraqi Government order which froze the property of all Jews who were leaving the country for Israel in accordance with the March, 1950 law authorizing such emigration. Departing Jews had been free to dispose of their property as they wished.[31] However, under the new 1951 law, a Custodian of Jew-

ish Property was appointed with authority to freeze Jewish possessions at his discretion. He lost little time in withholding nearly all property and possessions of emigrating Jews.

Although no accurate survey and appraisal of Jewish property in Iraq existed, unofficial estimates by leaders of the Iraqi Jewish community who were in Israel in 1954 placed it at £I156 million, approximately the value at which the CCP's Refugee Office assessed abandoned Arab property.[32]

Iraq's sudden action caused no little embarrassment to Great Britain, the United States and the CCP. It complicated the task of the Israeli Government in putting across its new approach to compensation by strengthening the opposition to any concession on the Palestine issue.

Nine days after the new Iraq law was enacted, Israel's Foreign Minister told the Kneset that this "sudden and precipitous change in the situation" pauperized thousands of Jews overnight by preventing them from contributing to their travel expenses to Israel. The thousands of Jews who had registered for emigration had no previous warning of the order. He asserted that Israel considered the new move "legalized robbery."

By freezing the property of immigrants to Israel, Sharett declared that:

> the Government of Iraq has opened an account with the State of Israel. There already exists an account between us and the Arab world, an account with regard to the compensation due to the Arabs who left Israel territory and abandoned their property following the attack of the Arab states who invaded our country.

He served notice that Israel would take into account the value of Jewish property frozen in Iraq "with regard to compensation we have undertaken to pay the Arabs."[33]

The only criticism of Sharett's plans for retaliatory action and international protests was that they were not strong enough. Some sections of his own Mapai party went so far as to suggest that Iraq's action freed Israel from its promise to compensate the Arab refugees.[34]

General Zionist Israel Roqah (Rokach), felt that Iraq's action was a much graver question than either the opening of an account or a material concern. It was a "moral matter in which we cannot balance what we owe against the robbery and plunder of our brethren."[35]

The Herut party characteristically maintained that Iraq's action had only increased the Arab debt to Israel.[36]

The only Arab participant in the debate, Communist Tawfiq Tubi, called Iraq's action a "reactionary and arbitrary racial step . . . organized by agents of imperialism." To prove that the masses of Iraq opposed the new law, he pointed out that it had been passed by a close vote of 56 to 50. "The reactionary policy" of Israel toward its Arab minority merely encouraged Iraqi oppression of the Jews. He urged the Foreign Minister not to react to the Iraqi policy by adopting a similar one toward Israel's Arabs.[37]

The more than 106,000 Iraqi Jews who were flown to Israel in Operation "Ali Baba," in less than a year and a half constituted a strong pressure group. This small but compact Jewish minority became one of the largest single ethnic groups brought into Israel by the "ingathering." More than 15,000 of its members were from the intellectual, professional and capitalist class. They were represented in the Kneset, in the business and financial world, and in the "best social circles."[38] They insisted that the Government of Israel do more to protect their interests in Iraq and one delegation requested the Foreign Ministry to demand the establishment of an international authority to safeguard their property. Mr. Sharett replied that feelers had been put out for such a move, but with no results.[39]

"Because of the influence of their governments in the Arab world," *aide-mémoires* containing Israel's attitude on the question were presented to the Ambassadors of the United States and the United Kingdom in Israel.[40] The notes expressed Israel's view that American and British interest in finding a solution to the Arab refugee problem was directly linked to the recent events in Iraq. Israel now threatened to withhold further compensation payments into the integration fund unless Iraq changed its policy toward its Jewish residents.

NOTES

1. U.N. G.A. OR (3rd session) Supp. no. 11, *op. cit.*, p. 14.
2. *Ibid.*, pp. 17-18.
3. *Ibid.*, pp. 27-28.
4. U.N. G.A. Resolution 194 (III/1).
5. U.N. G.A. OR 1st Comm. (3rd session, Part I) Summary Records, pp. 906-07.
6. U.N. G.A. OR *Ad Hoc.* Pol. Comm. (4th session) Annex, Vol. II, p. 4 (doc. A/838).
7. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.*, p. 27.
8. U.N. CCP, *Final Report of the United Nations Economic Survey for the Middle East,* Part I, pp. 12-20.

9. U.N. G.A. OR (5th session) Annexes, Vol. I, Agenda Item 20, p. 10 (doc. A/1252).

10. *Divrei ha-Kneset,* Vol. I, p. 721.

11. *Ibid.,* p. 726.

12. *Ha-Arez,* Aug. 11, Dec. 8, 1949.

13. U.N. G.A. OR (5th session) Annexes, Vol. I, Agenda Item 20, p. 15 (doc. A/1255).

14. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* pp. 8, 18.

15. *Ibid.,* p. 17, paras. 43-44.

16. Jewish Agency, *Digest of Press and Events,* Vol. II, no. 314, July 28, 1950, p. 1732.

17. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* p. 14, para. 22.

18. *Ha-Arez,* Oct. 17, 1949.

19. U.N. G.A. OR (5th session) Supp. no. 18, *op. cit.,* p. 18.

20. *Ha-Arez,* Nov. 2, 5 (Gelblum); Nov. 15 (Medzini) 1950.

21. U.N. G.A. OR *Ad Hoc.* Pol. Comm. (5th session) Summary Records, pp. 213-14.

22. *Ibid.,* p. 414; *Ha-Arez,* Dec. 1, 1950.

23. U.N. G.A. Resolutions 394 (V) and 393 (V); The fund was to cover the period from July 1, 1951 to June 30, 1952. The President of the General Assembly was to appoint a negotiating committee of seven or more members to raise funds. Advances of $5 million were to be loaned from the United Nations Working Capital Fund. The Agency was authorized to transfer money from its own funds for works and relief to reintegration projects.

24. U.N. G.A. OR *Ad Hoc.* Pol. Comm. (5th session) Summary Records, p. 414.

25. *Ibid.,* pp. 426-29, 438-39.

26. *Ha-Arez,* Dec. 22, 1950; *Davar, Ha-Boqer,* May 4, 1951: Israel offered to contribute $2,800,000 to UNRWA on account of compensation and five months later had set aside $50,000 for purposes of compensation to be paid into the reintegration fund.

27. U.N. G.A. PR (5th session) (doc. A/1793) CCP 9th Progress Report, Mar. 10, 1951.

28. *Ha-Arez, Ha-Boqer, Jerusalem Post,* Nov. 3, 1950.

29. *Divrei ha-Kneset,* Vol. VIII, pp. 849-50, 924.

30. *Ibid.,* pp. 862-63.

31. *Ha-Mizrashi he-Hadash* (Israel Oriental Society, Tel-Aviv) Vol. I, no. 4, July 1950, Hebrew reprint of *Official Gazette of Iraq,* no. 62, Mar. 9, 1950; Government of Iraq, *Official Gazette,* no. 2938, Mar. 10, 1951.

32. Jewish Agency, *op. cit.,* no. 352, Apr. 20, 1951, p. 1234: Half the 30,000 Iraqi Jewish families owned buildings estimated to be worth £I30 million, Jewish lands were worth £I5 million; synagogues, schools and other buildings, another £I2 million. Movable property was unevenly distributed. About 9,000 families had property worth £I750 each, and 12,000 families owned £I2,000. There were 100 families with fortunes of £I150,000 each and 50 families with £I300,000; *Jerusalem Post,* May 23, 1950.

33. *Divrei ha-Kneset,* Vol. VIII, pp. 1358-59.

34. *Ibid.,* p. 1361 (Meir Argov).

35. *Ibid.,* pp. 1361-62.

36. *Ibid.,* pp. 1359-60 (Ya'acob Meridor).

37. *Ibid.,* pp. 1362-63.

38. Jewish Agency, *op. cit.,* Vol. III, no. 364, July 3, 1951, pp. 1698-99.

39. *Ibid.,* no. 348, Mar. 24, 1951, p. 1049.

40. Jewish Agency, *op. cit.,* Vol. III, no. 349, Mar. 30, 1951, p. 1089: The *aides-mémoires* were submitted on March 20, 1951; *Davar,* Apr. 2, 1951; *Ha-Arez,* Mar. 20, 1951.

CHAPTER XI

U.N. Progress on Problems of Compensation

The CCP's Refugee Office Proposals

ALTHOUGH THE Iraqi Government's move to impound Jewish property caused a setback in efforts to approach the compensation problem, the CCP continued its pursuit of Israel's promise to consider payment on an "exploratory" level during the latter part of 1951. The compensation issue now had become the Refugee Office's *raison d'être,* and its work was the Commission's only visible activity.

Ha-Arez commented that it would be correct to call the CCP by a new name, such as "The Commission for Payment of Compensation." The newspaper's political correspondent believed that the Arab states hoped to regain their lost prestige by using the compensation issue. Because the United Nations had decided that Israel should either take back the refugees or pay compensation, the Arab states wanted payments as high as possible. The larger the amount of compensation, the easier it would be for them to recoup their lost prestige. Having failed in all attempts at conciliation, the CCP would save face by the new approach. The unsuccessful Commission had been functioning for two and a half years at a cost of 10 million dollars.[1]

Although established in January 1951, the Refugee Office did not begin to function until the end of May. The Director, Holgar Anderson, and the staff of the CCP's Committee of Experts on Compensation, a legal expert, an economist, and a land specialist, set up headquarters in Jerusalem.[2]

John Berncastle of Great Britain, who had served in the Mandatory Government's Land Settlement Office for 15 years, was assigned the first task—an evaluation of Arab absentee property. His initial approach was to assess the lands on the basis of their relative price as registered in the Government of Palestine's Land Office in the years 1937, 1942 and 1947.[3]

Berncastle and Anderson conducted talks with the Israeli Foreign Ministry, but they could obtain no commitment beyond promises to cooperate in an estimate of the value of abandoned prop-

erty. Supported by the American and British Governments, they developed the thesis that settlement of the compensation issue would open the door to peace talks, and raised the issue of reparations as a means of payment. However, the Israelis maintained that this approach was outside the scope of their parley with the U.N. and they restricted discussion to the technical aspects of evaluation. The Israelis also insisted upon a prior understanding that such conversations would in no way prejudice their policy toward compensation.[4]

The main problems discussed in these talks were technical. There had been many changes in land and building value brought about by improvements since the Arab flight. On the other hand tens of thousands of buildings and hundreds of thousands of *dunums* of agricultural property had deteriorated during the fighting between Israel and the Arab states. Fluctuations in the world market value of Israel's citrus exports, a large proportion of which was the produce of abandoned Arab groves, affected the evaluation. The impact of Jewish immigration, particularly from the Arab world, upon the new state's economy would affect Israel's ability to pay compensation. The value of Jewish property in Iraq relative to that abandoned by the Arab refugees in Israel would have to be balanced. Then there would be problems of how to raise funds for compensation and means of payment, whether on an individual or global basis, whether in cash or in kind. The economic effect of the transaction on the over-all economy of the Middle East also demanded consideration.[5]

Since the Refugee Office studies were to be the basis of a practical solution of the refugee problem, the CCP suspended its higher level meetings from June 1, 1951 until the studies were completed. The Commission was then reconvened in late July to consider the findings, most of which were incorporated into the Paris proposals.[6]

Two of the five main points at Paris dealt with the issue of compensation. One urged an agreement on damages arising from the 1948 hostilities to include mutual cancellation of claims by the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel. The second recommended that Israel accept the obligation to compensate those refugees not repatriated with a "global sum based upon the evaluation arrived at by the Commission's Refugee Office."[7]

Before it recommended mutual cancellation of war damage claims the Commission gave consideration to the principles of in-

ternational law. It concluded, however, that an effort to determine such claims arising from the Palestine war on the basis of violations of rules of international law was impractical. The charges of each side concerning acts committed contrary to the law of war were generally defended as the natural results of hostilities. The Commission believed that under the circumstances such charges would lead the negotiations "along a path further removed from a peaceful settlement," and would produce a political debate "which would again have postponed and possibly jeopardized the solution of the Palestine problem."

The Commission pointed out that in spite of historical precedents for the exaction of reparations following international conflicts, there were many instances where claims were mutually waived in the interest of lasting peace. It felt that in the Palestine conflict a mutual waiver of war damage claims would be in harmony with the general principles and purposes of the United Nations.[8]

The CCP's global estimate of £P120 million as the value of abandoned Arab property took into consideration the territorial situation defined by the armistice agreements between Israel and the Arab states. The extreme complexity of the problem necessitated approximate estimates.

The Conciliation Commission believed that payment of compensation should be based upon a Palestine pound valued at one pound per pound sterling. In its opinion the Refugee Office's global valuation constituted a debt owed to the refugees by the Government of Israel. Although it had made a global estimate, the CCP considered that payment of compensation should be made to individual property owners in all cases. It pressed the Government of Israel to assume the obligation of paying the sum to the Arab refugees who were not to be repatriated on this basis.

In view of Israel's stringent economic situation, the CCP did not expect full payment for many years. As payment on such a protracted basis would be useless to the refugees, the Commission urged that procedures be devised for distributing compensation funds. Israel's ability to pay would have to be considered. It was suggested that a United Nations trustee, through whom individual payments would be made and who would be assisted by a group of economic and financial experts, be charged with the elaboration of details for a payment plan.[9]

The Israeli delegation at Lausanne insisted upon including the question of war damages in the agenda of eventual negotia-

tions with the Arab states. It disagreed with the CCP view that to waive war damages would be in accordance with the general principles and purposes of the United Nations, and it refused to discuss their mutual cancellation "without speaking of the fact of Arab aggression. . . . Once the fact of Arab aggression against the State of Israel has been established, there can be no justification for freeing the Arab states from responsibility—not only moral but also material—for their acts of belligerency."

The delegation reaffirmed Israel's readiness to contribute to a settlement of the compensation question and to begin immediate discussions with the CCP or any other United Nations body on evaluation of abandoned Arab property. Although the evaluation would be an important factor determining the extent of Israel's contribution, "other no less important factors" would have to be borne in mind. They included recognition that the problem was the "direct consequence of the war undertaken by the Arab states against the State of Israel," and not the result of a land transaction undertaken at a time freely chosen and under conditions freely agreed to. The state of preservation and conditions of use of the property were severely affected by the war in 1948 and by its aftermath. Israel's total contribution and methods of payment would be directly dependent upon the capacity of the state to meet this charge "mainly resulting from the Arab war," without harming its economic stability. The economic blockade of the Arab states would be an essential consideration in estimating that capacity. The hostile policy of the Arab governments toward their Jewish minorities, resulting in their rapid collective exodus to Israel, imposed heavy material charges upon the Government of Israel. Abandoned Jewish lands existed in territory under Arab control (such as the Jewish section of the Old City of Jerusalem, the Rutenberg Electric Works at Naharayim, four Hebron hills collectives, two Jewish settlements on the Ramallah Road, Jewish urban property in Hebron, and the potash works at the north end of the Dead Sea).

Israel's final agreement to pay compensation would "have to put an end to the whole problem of the Arab refugees in all its aspects, both humanitarian and material, so far as the State of Israel is concerned." Individual claims from Arab owners would have to be addressed to the United Nations body charged with settling the compensation question.[10]

The Arab delegations were equally adamant in their refusal to consider mutual cancellation. They declared that such a step

"does not appear to be a contribution to the settlement of the Palestine dispute on a just and lasting basis." Great Britain was most accountable for failing "to carry out the obligations deriving from its Mandate" and abandoning "the country [Palestine] at the end of the Mandate, thus leaving it a vacuum and handing it over to anarchy." The second most liable parties were "the Zionist terrorist bands for which the present Jewish authorities are answerable." The United Nations, "which merely adopted the Partition Plan without taking the measures necessary to ensure its implementation" bore the least responsibility.

Although they placed the principal responsibility for compensation payments upon Israel, the Arab delegates insisted that the role of the United Nations in the establishment of the new state obligated it to share the responsibility. "It is only fair that it should pay the compensation due to the refugees . . . when the principal debtor is insolvent. The United Nations has, so to speak, taken upon itself this obligation which belongs mainly to Israel," declared an Arab representative at the Paris Conference. He termed the attempt to establish a relationship of cause and effect between the compensation payments and the financial capacity of Israel "pure and simple confiscation of the property of the Arab refugees." Payments should be unconditional and immediate. In his opinion they should represent capital which the refugees could invest and would to some extent replace their abandoned property. "To restrict this right or to make the payment of compensation dependent on the financial capacity of Israel would be to make this right an illusion and to make Israel a present of the refugees' property," he declared. Compensation should be "an individual right of the refugees personally or of their beneficiaries. They should be able to exercise it without any limitations of time or space."

The Arab delegations outlined the following procedure for payment: (1) recognition of the true value of the property, estimated by some Arabs at S£ 2 billion (nearly twenty times the appraisal of the Refugee Office); (2) representation of the refugees during the different stages of the operations; (3) establishment of an appeal procedure for the refugees; (4) allocation of a *pro rata* proportion of the value of public property such as roads, railway lines, ports, aerodromes and the like for unrepatriated refugees.[11]

In a subsequent Kneset debate on the refugee question Foreign Minister Sharett amplified Israel's conditions for compensation payments. He again linked Israel's "concession" with refugee

resettlement plans. Israel charged the U.N. with the support of the refugees. The responsibility of the Arab governments was to absorb the mass of refugees in their countries. The responsibility of Israel was to pay for abandoned lands by making a "fair contribution towards the costs of refugee rehabilitation, such as would accord with material circumstances and be compatible with her ability to pay."

Israel was "prepared to do what is incumbent on her in order to reach a favorable solution of this painful problem" and to begin talks with the United Nations on the amount and form of compensation payments. "If the other parties do not play their part, it is upon their shoulders that the responsibility must rest." Israel would treat the issue as a separate question on the condition that no obligations were placed upon it, and that the amount and manner of payment were agreeable. "Everything depends on an agreed settlement reached in free negotiation." In order to make a worthy contribution in its present financial position—"and no miracles can be expected"—Israel would need an international loan or "assistance in another form." The obligation would be undertaken "only towards an organ of the U.N.—neither towards the Arab states nor the owners of the lands." Israel refused to be faced with an unlimited number of separate private claims.[12]

In Sharett's opinion, the CCP's estimate of £P 120 million as the value of Arab property was merely an academic appraisal, since Israel procured the property "through a revolution." Israel would only pay "an agreed sum in consideration" of Arab abandoned property. Such details as the area and value of land taken over were not necessarily pertinent to the question of compensation.[13]

The Kneset voiced strong citicism of the Foreign Minister's "compromise." Even political groups which usually supported the government in matters of foreign policy raised objections.

General Zionist leader Peretz Bernstein (Minister of Trade and Industry in the Mapai—General Zionist coalition government) felt that concessions were inopportune, especially since the Arab states were reaffirming their intentions to "take hostile action against us." The General Zionists also had always realized that compensation would have to be paid, but only after peace negotiations. It would be foolish to forfeit this important pawn which might even induce the Arabs to discuss other questions of peace. Although this step seemed to deviate from the line often declared by the government, its willingness to discuss compensation

was conditioned on terms which were so difficult that the Arabs would possibly not even agree to consider them.[14] A resolution expressing the General Zionist criticism was defeated in the Kneset by 74 to 18 votes.[15]

The Religious Workers Party opposed discussion of compensation without taking into consideration the war damages suffered by Israel and the property lost by Jews in Arab countries.[16]

Even the Progressive Party, which usually followed a liberal line on foreign policy, criticised Sharett's open-handedness. Its representative, Izhar Harari, opposed payments to the refugees until the Arab states declared that they were not at war with Israel and agreed to resettle the refugees but not along Israel's borders. He demanded assurance that the funds would not serve as a means of drawing foreign currency from the country and exerting pressure against it. Harari stated that he had recently read about an Israeli representative who connected reparations from Germany with compensation to the Arab refugees and hoped that the report was untrue.[17]

Herut members urged the Foreign Minister to take an example from Iran, which had stood steadfast in its refusal to negotiate on the Anglo-Iranian oil dispute. No part of the refugee question should be discussed until "the Arab invaders had been driven out of all areas of Palestine, such as Gaza." Herut's Arieh Ben Eliezer believed that the question would not be solved by compensation, "which will satisfy only a few rich landlords. It will not satisfy the masses which will always find means of sabotage against us."[18]

Arab Kneset member Sayf al-Din al-Zu'bi pleaded with the government to differentiate between refugees who were Israeli Arabs and those who were outside the borders. "Is the fate of Arab refugees in Israel to be the same as that of those who fled the country?" he asked. The Arab nations were responsible for the refugees within their borders. Israel should accept responsibility for those within its borders by restoring their property to them.[19]

Writing in *Ha-Arez,* Moshe Smilanski, also opposed the "to-the-victor-belong-the-spoils" attitude. Such international legalism applied only to defeated nations, and not to innocent individuals. He urged that a special compensation fund be created by the Jewish National Fund from sale of Arab agricultural land and urban property. In his view, if compensation had been paid in time, "we undoubtedly could have had a peace treaty with the Arabs. But we postponed making a definite decision and made promises instead, so we have been the losers."[20]

Individual and Global Compensation

The Sixth General Assembly only superficially considered the CCP's Paris proposals. A draft resolution introduced to the Assembly's Plenary Session by the *Ad Hoc* Political Committee noted with regret that previous United Nations resolutions concerning Palestine had not been implemented, that there had not been "just and equitable evaluation of and compensation for the properties of those [refugees] not wishing to return" to their homes. But the Assembly's final resolution on the CCP mentioned neither refugees nor compensation. It merely expressed concern about CCP failures.[21]

Israel's representatives at the Assembly began to emphasize the role of compensation in historic examples of population exchanges which had occurred after the India-Pakistan partition in 1947 and the Greek-Turkish war from 1921 to 1923. After these upheavals lump sums of compensation were paid to the populations which had abandoned their native lands. The CCP had concurred in Israel's opinion that "a global estimate of the value of that property conformed to established international practice." In the case of the Arab refugees "a global assessment should be made, [and] agreement should be reached on the proportion which Israel could pay and international accord should determine the terms of payment."[22]

Foreign Minister Sharett reported to the Kneset in February 1952 that Israel had won a victory in the United Nations. One of the Assembly's resolutions on Palestine neither referred to refugee repatriation nor mentioned compensation, "although our obligation to pay is still in force." He praised the work of UNRWA and its recommendation for a $200 million reintegration fund, but he criticized the CCP for "conclusions and tendencies which were contradictory." The report of the CCP was a negative document which attempted to justify its failure by offering solutions "not compatible with reality." He concluded that CCP intervention was "harmful" with respect to the refugees.[23]

The Kneset reaction again threw the government into a defensive position. Even members of the coalition attacked the government stand at the United Nations. Yizhaq Rafael of the Religious Workers Party complained that "we did not dare attack" at the U.N. and "we submitted no claims for the theft and robbery of tremendous Jewish property in the Arab states." He insisted that

all publications minimized its value. Israel need not pay compensation, for it was the losers, not the victors, in war who pay "particularly when the losers are the aggressors and invaders who cooperated with the Palestine Arabs . . . who lost their rights to compensation even for private property."[24]

After the Sixth General Assembly the CCP continued its parleys on the compensation issue. It directed special attention to Israel's avowed readiness to enter concrete discussions of the question of evaluation with any United Nations body designated for the purpose. In April the Commission sent its land specialist, John Berncastle, to the Middle East for technical talks on evaluation of a more detailed nature than those he had undertaken the year before.

At the request of the Secretary General of the United Nations the CCP began to set up the necessary machinery for identification and assessment of individual Arab property. The land specialist and two assistants began to extract from the registers of the Government of Palestine information concerning ownership, areas, description and value of the hundreds of thousands of parcels of land involved. At the end of the Mandate, British officials turned over to the Israel authorities only those records of areas within the jurisdiction of the Jewish state where land was predominantly Jewish-owned. The Jordanian authorities received other records. A large number of microfilmed documents had been sent to England and were made available to the Refugee Office at the request of the CCP. From information which the latter contained, supplemented by information which was to be obtained from Mandatory Government tax records, the Refugee Office hoped to estimate the value of individual holdings with reasonable accuracy. Israel held most of the tax records and agreed "in principle" to make them available to the CCP.[25] It was soon discovered that the information in the microfilms alone was insufficient to identify and evaluate the property. A considerable number of prints were illegible. Many documents had "certain basic omissions." Therefore the CCP established a sub-office in Jerusalem to secure missing data which might be in the land registry or land taxation records held by Israel, Egypt and Jordan.[26]

To accelerate the process of property identification, the CCP again sent Mr. Berncastle to Jerusalem to take charge of an enlarged organization designed to complete identification by the middle of 1957. At that time it was hoped that the Commission would have a record of each Arab-owned parcel of land in Israel,

its location, area and description, the names of the owners and their respective shares, including any other rights such as mortgages affecting the parcel.

In all, it was estimated that this would include a survey of some 10,480 registration or fiscal blocks, each of which might contain from half a dozen to five hundred separate holdings. The average area of a block was about 766 *dunums.*

To complete the information necessary for each parcel, it was generally necessary to examine two sets of records, the land registry and the taxation records. In some 8,156 blocks ownership had been judicially investigated and registered in accordance with the Land (Settlement of Title) Ordinance. For the remainder, it was necessary to examine tax records for information about ownership. In such cases, the "reputed owner" who was liable for the tax was entered as the owner.

By the end of 1956, the CCP announced that Israel, Syria, Egypt and Jordan, all of which held pertinent information, were cooperating in the identification project. "It is not too much to say that all the Governments concerned are extending all possible assistance in this operation and the Commission takes this opportunity of expressing its acknowledgments."[27]

Even if the land records had been more complete, the existing land system in Palestine would have made it almost impossible to determine the specific ownership of many large, abandoned tracts. Most of the 16,324,000 *dunums* of abandoned land, including much of the 4,574,000 which were considered cultivable, never had been registered under the Land Settlement Act, which identified land ownership by cadastral survey. Much of this property was registered under the Ottoman system, which combined registration of deeds and titles. The title deed usually referred to a parcel of land or to a unit of immovable property, with boundaries which were defined without a survey. Usually no parcel was located on the ground prior to a registration of the title deed, and no plan of it was made. Entries in the Register of Deeds could rarely be identified with the parcel of land to which they purported to refer. In effect, registration was personal rather than territorial.

Encroachments and boundary disputes were frequent. Although registration of immovable property was compulsory under the Ottoman régime, the law was seldom enforced. Consequently much land was unregistered and held by private contracts drawn up in accordance with local customs outside the Land Registry

Office. There was no record of successions which often divided and subdivided ownership. The Register of Deeds, therefore, particularly in rural areas, did not show the true ownership of the land, and the tangle of titles was a complex labyrinth. The situation gave rise to disputes over many, if not most, land transactions in areas not settled by the new land registration laws of the Mandatory Government.[28]

When the British authorities enacted the Palestine Order-in-Council in 1922, they adopted the Turkish law in force on November 1, 1914, which applied to immovable property. It was later amended and supplemented by legislation of the Palestine Government. The Turkish law in general conformed to Shari'ah (Muslim religious) law as modified by tradition. Under the Ottoman land system, most of the land in Palestine was held under two distinct tenures, commonly referred to as *miri* and *mulk*. *Miri* is a conditional usufruct tenure of land held by grant from the State, and comprises only agricultural land. The holder or possessor is a usufructuary whose tenure resembles a leasehold, subject to certain limitations on the use and disposition of the land and to the payment of certain fees. The interest is indeterminate, assignable and hereditary. The tenure called *mulk*, on the other hand, is a private ownership tenure. The extent of this category of land in Palestine is limited and is usually found in the old cities or in garden areas. Rural land in this category is rare.[29]

The Mandatory Government did little to modify the Turkish land laws but it did reserve a certain amount of flexibility under Article 46 of the Palestine Order-in-Council of 1922. The law permitted the Civil Courts of Palestine to apply principles of English common law and doctrines of equity in force in the United Kingdom, subject to the Ottoman law.

Under the Palestine law in force until 1948 *miri* land holders were subject to eminent domain of the state. According to the law no one could possess *miri* without a title deed (*Kushan*) issued by the *Tapu* or land registration office. Nevertheless many inhabitants of *miri* did not hold a *Kushan*. The result was a great disparity between the register of title deeds and the facts of ownership.

The Palestine Government introduced a new system of registration in the Land Settlement Ordinance of 1928 based on a cadastral survey. Under the new system, survey maps of each registration block accurately defined parcels of land. However, the whole of Palestine was not subject to the new land registration sys-

tem simultaneously. It was limited to "Settlement Areas," defined by a Settlement Order of the High Commissioner, published in the *Official Gazette* under direction of the Settlement Officer. In the nine years between the initiation of Land Settlement and the visit of the Palestine Royal Commission in 1937, the new system was carried out in areas covering 1,364,631 *dunums*. The settlement of 4,808,458 *dunums* had been effected by the end of 1945. At the end of the Mandate the number rose to approximately 5,200,000 *dunums*. Most Jewish-owned land was included in this area. Large tracts which are today absentee property, particularly in western Galilee, the Jerusalem Corridor, and the areas surrounding Safad, Acre, and the Little Triangle, were never settled. Obviously, in such cases, compensation for abandoned refugee property on an individual basis would generate a host of legal and technical difficulties which would require years of patient arbitration and investigation.[30]

The Land Settlement Ordinance of 1928 had two principal aims. Firstly, it sought to limit the land held in undivided or collective ownership (*musha'a*). Secondly, it tried to prevent the fragmentation of land into valueless fractions. The ordinance was designed to facilitate recording of rights to units of land in definite figures of integral meters. Registration of the very small fragments would thereby be prevented. Owners of such fragments could be required to transfer their shares to neighboring owners, or, in the case of undivided land, to the owner or owners of the greater number of shares.[31]

Joint ownership of village land, or *musha'a* holdings, was not equally common in all regions of the country. It was most firmly rooted in areas where village life was strongly marked with the patriarchal stamp. The pattern of *musha'a* ownership differed from village to village. However, precise information on its distribution and pattern in Mandatory Palestine was never collected.[32] The most common type of *musha'a* was joint ownership of village land and distribution of shares to every family. In time, numerous partitions among the heirs and sales of land to others reduced the shares to infinitesimal denominations—ten-thousandths, hundred-thousandths, and even millionth shares. The part of each co-owner was represented by a fraction. The numerator denoted the holding of the landowner and the denominator the total number of shares into which the land in joint ownership was subdivided.

Upon the death of a landowner, each of his sons inherited a

portion of their father's shares, and the daughters could also claim a part of the joint property under the Muslim law of inheritance.

Although there is no extensive data on the amount of land which was held in *musha'a* in Palestine, it is known that in the nineteenth century most of the land was commonly owned. The amount greatly decreased under the Mandate, however.

About 56 per cent of the area surveyed (4,876,000 *dunums*) by the *Musha'a* Land Committee investigation conducted in 753 villages in 1923, was common land. The Johnson-Crosbie Committee showed that there was a decline in common-owned land between 1923 and 1930. In the area of its survey (1,876,000 *dunums* belonging to 104 villages) not more than 44 per cent was *musha'a.* Lewis French, a Mandatory official, asserted that a further decline occurred by the end of 1931. According to his estimate less than 40 per cent was common, and evidence indicated that the decline was the fruit of numerous unofficial partitions which were carried out voluntarily by the peasants among themselves.

Although a primary purpose of the 1928 Land Settlement Ordinance was the elimination of joint ownership by partitioning *musha'a* lands, it was discovered that a much larger area than had been supposed was in this category, and that it would be extremely difficult to fix the shares of village inhabitants. Large areas were in total dispute with as many as thirty claims to one parcel. In many cases the claimants had no documents to support their demands, and oral evidence was often the only basis of decisions. After 1939, when the partition of jointly owned property was suspended altogether, little headway was made in diminishing *musha'a* holdings. In the later years of the Mandatory regime, the government abandoned its previous policy and "desisted from partitioning the lands along with the Land Settlement, deliberately leaving them in their former condition." Although there is no exact data which would indicate the amount of *musha'a* property abandoned by the Arab refugees, on the basis of the surveys undertaken during the Mandatory period, it would seem that approximately 40 to 50 per cent was commonly owned.[33]

This factor would raise new complications in implementing any proposals for the payment of individual compensation. In the Arab flight from Palestine the inhabitants of many villages were separated and mixed with those of others. Attempts to pay compensation for *musha'a* property would give rise to a myriad of questionable claims, unless these populations were reassembled

into workable economic units within the framework of United Nations plans for reintegrating the refugees into the life of the Middle East.

Notwithstanding all these technical obstacles, the CCP has felt that the most promising role it could play would be in further efforts to solve questions of compensation and release of bank accounts blocked in Israel. Its renewed emphasis on individual compensation was a step it considered "an indispensable prerequisite to payment of compensation to the individuals to whom it is due."[34]

At the Seventh General Assembly the compensation issue was not given special attention, although the CCP's work in evaluating Arab abandoned property was commended by the United States and the United Kingdom. Philip Jessup, the American representative in the *Ad Hoc* Political Committee, pointed out that it was not a substitute for a final solution of the refugee problem, but "an indication of what persistent efforts on the part of the Conciliation Commission could achieve."[35]

The French representative, Pierre Ordonneau, who was also then CCP Chairman, acknowledged that the Commission's preoccupation with compensation was a result of the "absence of opportunities to deal with more general issues." Failing to solve broader problems, the CCP had directed its attention to "more limited technical issues which offered possibilities of easier solution." In approaching the problem, the CCP had no intention of prejudicing a final solution. It was only collecting technical data for the time when implementation would be ripe.[36]

The Arab delegations at the United Nations did little to encourage optimism about a settlement of the compensation issue. They continued to insist upon individual payments, but they also expressed doubts about Israel's ability to pay. The Egyptian delegate believed that the CCP was treating the refugee problems in an illogical and inverted order. The first right of the refugees was repatriation. The problem of compensation affected only those who chose not to return to Israel. Compensation, therefore, should be dealt with only after the completion of repatriation.[37]

Some Arab delegates felt that the CCP had grossly underestimated refugee property. A representative of the Arab refugees, invited to appear before the *Ad Hoc* Political Committee, estimated that Israel's refusal to release Arab property deprived the refugees of an income of $60 million a year. In a previous state-

ment his global evaluation of absentee property was about twenty times the estimate of the CCP.[38]

Israel repeated its offer to consider payment of compensation before a peace settlement, but its representatives warned that the Arab blockade was one of the chief factors which affected Israel's capacity to pay. "The negotiation of a peace settlement, by removing those abnormal conditions, would therefore have a direct bearing on the degree and rate of progress in the payment of compensation."[39]

When conclusion of the agreement on payment of reparations by the German Federal Republic to Israel was imminent, the Arab League began to exert pressure for payment of Arab refugee compensation from the funds which Israel was to receive. The Egyptian representative in the *Ad Hoc* Political Committee at the Seventh General Assembly asserted that the sum obtained by Israel from Germany would increase Israel's financial capacity and make possible an acceleration of compensation payments.[40] The Arab League and several of its members individually attempted to persuade Germany to delay payments until Israel agreed to use part of the reparations funds for compensation to the Arab refugees.[41] Both Israel and Germany resisted the pressure, and the Arab attempt failed. Israel took the position that the Arab states had no right to intervene in bilateral treaty arrangements, either inside or outside the United Nations.[42]

Anti-compensation pressures continued to fulminate within Israel. In March 1953, the newspaper *Herut* reported that Ralph Bunche and President Nagib of Egypt were discussing an agreement which included the payment of £120 million by Israel for Arab absentee property. *Herut* assailed an agreement which would "dismember Israel and undermine its economic position."[43]

Ha-Zofeh continued to cling to the Mizrachi and Religious Workers Parties' line that "peace involving compensation and territorial concessions is no peace but surrender."[44]

Even the organ of Israel's second largest political party, the General Zionist *Ha-Boqer,* continued to insist that: "the impression should be dispelled that Israel was under any obligation to assist financially those Arabs who wandered from Israel territory following the invitation of their 'saviors.' " *Ha-Boqer* demanded that international public opinion be enlightened on the question of Jewish property left in Arab lands, in order to neutralize Arab claims for property left by the refugees in Israel.[45]

The formidable opposition to compensation from the strongest minority members of the Israel Government coalition (Mizrahi, Religious Workers and General Zionists), which continued throughout 1954, placed the Mapai-controlled Foreign Ministry in a precarious position, should it commit itself to any action beyond technical discussions on compensation payment.

An American offer to help Israel pay compensation was made by Secretary of State John Foster Dulles in his August 26, 1955 policy statement on the Middle East. If Israel was unable to make adequate compensation unaided, Mr. Dulles suggested that payments be facilitated by an international loan. "President Eisenhower would recommend substantial participation by the United States in such a loan for such a purpose," the Secretary believed.[46]

Despite efforts by the CCP to urge Israel to take advantage of the offer, a year later these had produced no results. In October 1956 the CCP reported that it had received an unsatisfactory reply to its queries concerning compensation made to Israel the previous February.

In its reply the Government of Israel had stated that the problem could not be considered "in disregard of the general context of Arab-Israel relations. . . ." Discussion of payments would require the solution and clarification of related problems. The Israelis felt that "no practical purpose would be served if, under the present circumstances, the Government of Israel were to come forward with a programme for compensation or if it went into other related details before the conditions are fulfilled under which such plans could come to fruition." They concluded their letter by stating that when the Arab governments "agree to reverse the present trend of tightening their economic blockade against Israel and give tangible proof of their readiness to assume an attitude more in conformity with the Charter of the United Nations," Israel would be ready to make known its detailed plans for compensation.[47]

This position was further confirmed at the Eleventh Session of the General Assembly when the issue was again referred to. Israel's Ambassador Michael Comay then warned: "It could hardly be practicable for Israel to pump vast sums of money into the economies of neighboring countries, while those countries were trying to bring about Israel's collapse through economic strangulation. It is the policies of the Arab governments which are holding up compensation for the refugees in those countries."[48]

Although the CCP "recognizes the difficulties created for Israel

by the existing economic blockade," it found the reply of Israel "unfortunately negative and inconsistent with Israel's previous statements concerning compensation. . . ." It hoped that Israel would "reconsider its expressed position. . . ." The Commission "communicated to the Government of Israel its disappointment and regret over this new attitude" and informed the Israelis that, in spite of their "apparent withdrawal" from their previous position, the CCP would continue its work with respect to refugee property "on an accelerated basis."[49]

Repercussions resulting from the Israeli attack on Egypt at the end of October 1956 were a further setback to the payment of compensation. Subsequent to the Israeli invasion, the Egyptian government began to take retributive measures against the country's Jewish population of between 30,000 and 50,000. By the end of the year the property of several hundred Jews was sequestered by the Egyptian government, but early in 1957 some holdings were returned to their Jewish owners. Although the value of the property involved was alleged to run to several hundred million pounds, by the beginning of 1957 there was no reliable estimate of the amounts of property sequestered or of its approximate value available from any official source,[50] nor had the problem been officially linked with that of compensation to the Arab refugees.

From the failure of the Paris conference until the end of 1957 the United Nations approach to the Palestine question sought to by-pass political issues. Its operations were based on the assumption that a solution of the refugee problem would open the door to Arab-Israeli peace and that a functional rather than a political beginning should be made. By concentrating on the issue of compensation, the CCP hoped to obviate the difficulties likely to arise in negotiations on other issues, such as repatriation, borders, or the Jerusalem question. But the compensation issue itself was so steeped in political implications that progress beyond technical studies and surveys seemed limited. Even these studies were so complex that it would be some time before they could contribute substantially to a complete and accurate evaluation of Arab property abandoned in Israel. Indeed, at the end of 1957, it would have been chimerical to rouse refugee hopes of imminent payment for their losses in the Palestine war.

NOTES

1. *Ha-Arez,* May 17, 1951.
2. U.N. G.A., OR (6th session) Supp. no. 18, *op. cit.,* p. 1.
3. *Ha-Arez,* June 3, 29, 1951.

4. *Ibid.,* June 26, 29, 1951.
5. *Jerusalem Post,* June 15, 1951 (E. Salpeter).
6. U.N. G.A. Resolution 194 (III) para 2(a) authorized the CCP: "To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by Resolution 186(S-2) of the General Assembly of 14 May 1948." *Supra,* p. 130.
7. U.N. G.A., OR (6th session) Supp. no. 18, *op. cit.,* pp. 3-4, para. 25, proposals nos. 1 and 3 (The other three proposals were that (a) Israel agree to a limited repatriation of Arab refugees, (b) that there be a mutual release of frozen bank accounts, and (c) that the interested parties consider a revision of the armistice agreements between Israel and the Arab states.)
8. *Ibid.,* p. 4, paras. 26, 27.
9. *Ibid.,* pp. 5-6, paras. 35-42.
10. *Ibid.,* pp. 17-19.
11. *Ibid.,* pp. 20-22.
12. *Divrei ha-Kneset,* Vol. X, pp. 279-80.
13. *Jerusalem Post,* Dec. 28, 1951.
14. *Divrei ha-Kneset,* Vol. X, pp. 279-80.
15. *Ibid.,* p. 332.
16. *Ibid.,* p. 286 (Yizhaq Rafael).
17. *Ibid.,* pp. 307-08.
18. *Ibid.,* pp. 287-289.
19. *Ibid.,* p. 315.
20. *Ha-Arez,* Dec. 14, 1951.
21. U.N. G.A. Resolution 512 (VI); U.N. G.A. OR (6th session) Annexes, Agenda Item 24, p. 10 (Draft Resolution 1).
22. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (6th session) Summary Records, pp. 190-191, 214-15.
23. *Divrei ha-Kneset,* Vol. XI, p. 1164.
24. *Ibid.,* p. 1170.
25. U.N. G.A. OR (7th session) Annexes, Vol. II, Item 67, pp. 8-9 (doc. A/2216/-Add. 1). Other tax records were held by the Syrian, Jordanian and Egyptian governments.
26. U.N. G.A. PR (8th session) (doc. A/2629) CCP 13th Progress Report, pp. 6-7.
27. U.N. G.A. PR (11th session) (doc. A/3199) CCP 15th Progress Report, Oct. 4, 1956, pp. 3-5.
28. F. M. Goadby and M. J. Doukan, *The Land Law of Palestine* (Tel-Aviv, 1935), pp. 298, 271.
29. *A Survey of Palestine,* 1945-46, vol. I, p. 225.
30. A. Granott, *The Land System in Palestine* (London, 1952) *passim;* also interviews with officers of the Land Settlement Office of the Israel Government.
31. Goadby and Doukan, *op. cit.,* p. 280.
32. Granott, *op. cit.,* Chapter X.
33. *Ibid.*
34. U.N. G.A. OR (7th session) Annexes, Vol. II, Agenda Item 67, p. 6 (doc. A/2216).
35. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (7th session) Summary Records, pp. 161-62; also see Lord Llewellin, pp. 193-95.
36. *Ibid.,* p. 153.
37. *Ibid.,* pp. 148-50 (Mustafa).
38. *Ibid.,* p. 29 (Dr. Tannous); (6th session) Summary Records, p. 251.
39. *Ibid.,* (7th session) p. 169.
40. *Ibid.,* p. 150.
41. *Ha-Arez,* Sept. 17, 1952; *Arab News Agency,* Nov. 8, 1952.
42. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (7th session) Summary Records, p. 30.
43. *Herut,* Mar. 29, 1953.

44. *Ha-Zofeh,* Mar. 29, 1953.
45. *Ha-Boqer,* June 18, July 8, 1953.
46. *N. Y. Times,* Aug. 27, 1955.
47. U.N. G.A. PR (11th session) (doc. A/3199) *op. cit.,* pp. 5-7.
48. Delegation of Israel to the U.N., Statement by Ambassador Michael Comay before the Special Pol. Comm., 19 Feb. 1957.
49. U.N. G.A. PR (11th session) (doc. A/3199) *op. cit.*
50. *N. Y. Times,* May 12, 1957 (Osgood Caruthers); American Jewish Committee, *American Jewish Year Book 1957* (N. Y.) Don Peretz, pp. 398-403.

CHAPTER XII

Blocked Accounts

THE CCP devoted one of its major efforts to obtaining the release of about 6,000 Arab refugee accounts with a total value of approximately £P four million, which were included in the 1948 Israel Government order freezing absentee property. After the failure of the Paris Conference in 1951, it treated the blocked accounts issue as a separate problem. From 1949 until the end of 1956, the only tangible result of the CCP's work was the agreement by Israel to release the Arab accounts. For this reason, the act assumed a significance far beyond Israel's contribution to a settlement of Palestine problems.

Both Israel and the United Nations underscored the importance of the release of the accounts. Israelis repeatedly emphasized that the first and only direct contact through the CCP between their Government and the Arab states had taken place on the occasion of the negotiations on this question. The CCP felt that agreement on blocked accounts was a step toward peace and used it as a touchstone of the two antagonists' attitudes toward a conclusive settlement.

Parleys leading to the first release of blocked accounts late in 1953 extended over a four-year period because of a complex of technical and political factors. There were problems of transfer, procedure and responsibility. Israel's tenuous foreign exchange position and the Iraqi Government's decision to freeze Jewish property further complicated the matter. Misunderstandings caused a constant recurrence of difficulties. Political implications of the issue of blocked accounts generated internal commotion within Israel and the Arab states. In the latter the question threw open the whole issue of recognition of Israel and once again emphasized the violent psychological reactions to any step which might involve official acknowledgment of the new state's *de facto* existence.

It was claimed that release of the accounts would help to improve the living conditions of the Arab refugee. However, its significance in relation to the over-all social and economic situation of the, approximately, more than 900,000 refugees is illustrated by

the following figures: (1) The total number of the frozen accounts was approximately 6,500, of which 450 belonged to Jews who were in Arab countries at the time the freezing order was issued; (2) The total value of the accounts was around £P4,000,000, of which approximately £P500,000 were unfrozen outside the U.N. scheme; (3) More than half of the accounts were less than £P100. Only 1,200 accounts were over £P500. The distribution of the Arab accounts prior to the release was as follows:[1]

Number of Accounts	Value of Accounts	Number of Accounts	Value of Accounts
2,800	Up to £P49	300	£P200 to £P249
523	£P50 to £P99	300	£P250 to £P499
435	£P100 to £P149	520	£P500 to £P999
275	£P150 to £P199	680	£P1,000 & Over

Early Negotiations: The Geneva Agreement and the Paris Proposals

Israel's Custodian of Absentee Property froze accounts of the Arab refugees in December 1948 by virtue of the authority granted in the Emergency Regulations Concerning Abandoned Property,[2] and the accounts remained under his jurisdiction until the first releases in 1953. The Arab States brought the subject of blocked accounts to the attention of the U.N. at Beirut in March 1949.[3] Among the duties assigned to the CCP's Technical Committee on Refugees was an examination of such problems.[4]

Shortly after the CCP began its field operations, it requested Israel to allow the Arab refugees access to all or a part of their blocked accounts. The Commission's General Committee was charged with studying immediate possibilities of action in answer to an Arab request for measures to protect the rights of Arab Palestinians. In June 1949 Israel agreed to discuss a reciprocal agreement with the Arab states in which there would be a mutual release, in equal proportions, of Arab accounts frozen in Israel banks and of Jewish accounts frozen in the Arab countries. After the Arab states accepted the arrangement, a Mixed Committee of Experts under a neutral chairman was established to study and recommend means of releasing the funds. The committee consisted of one Israeli, an Egyptian representing four Arab states (Egypt, Jordan, Syria and Lebanon) and the CCP's Principal Secretary who acted as Chairman. This constituted the first and only direct official contact between Israel and the Arab states in the long his-

tory of otherwise unsuccessful attempts to bring together the two sides in negotiations for a final peace settlement.

The Committee initially restricted its activities to examining a procedure for unfreezing the accounts. It reached an agreement on the principle of mutual release. However, unfreezing on this basis could not be effected because only Syria had taken steps to block accounts of Israel's residents and the total sum involved—only a few hundred pounds—was too small to make possible any significant reciprocal action.

Consequently, the Mixed Committee adopted a new procedure at a meeting in Geneva on February 15, 1950. They agreed that, pending a final settlement, every refugee who had a bank balance in Israel could receive an advance on his account up to £P100. The funds would be advanced in local currency by institutions or by the Arab Governments to refugees living in their territory, and would be guaranteed by an amount in Palestine pounds which the Government of Israel would deposit to the account of the institution or government concerned. The deposit would be administered by a trustee, in accordance with Israel's conditions. It would be released to the institution or government which had made the advance as soon as a final settlement was reached. The CCP also recommended that the Bank for International Settlement be appointed as trustee for the operation. However, the Bank would not accept this arrangement because of its political implications. Instead, it was planned to conclude separate agreements with a trustee chosen for each country concerned.[5]

At the Fifth General Assembly in 1950, Foreign Minister Sharett emphasized the political importance of the negotiations and of the February agreement. He stated that it was significant that at the "sole occasion when Arab Governments had agreed to meet with Israel in joint session under the chairmanship of the Commission, the meeting had resulted in agreement."[6]

Although the CCP also commended the agreement as an indication of Israel's sincerity, banking difficulties prevented an early release of funds. The difficulties limited negotiations to the matter of accounts of refugees in Jordan. There it had been found possible to release advances from sterling sources, with the understanding that they would subsequently be repaid from the accounts when they were unfrozen.[7]

During 1950, the CCP continued in vain its attempts to overcome the technical obstacles blocking the release,[8] while Israel's Custodian of Absentee Property claimed that steps were being

taken to unfreeze the bank deposits of a few Arab refugees who had legally returned to the country.[9] Efforts to obtain release were seriously retarded in March 1951 when Iraq adopted a law freezing property—including bank accounts—of Jews emigrating to Israel. The Israeli press and Kneset opposed any compromise on the release of Arab accounts at that time.[10] A protest sent by Foreign Minister Sharett to the United Nations, the United States and the United Kingdom, made the point that Iraq's move would affect Israel's position on compensation and release of blocked accounts.[11]

One of the five comprehensive proposals submitted by the CCP at the Paris Conference in 1951 called for the mutual release of blocked accounts by Israel, Egypt, Jordan, Lebanon and Syria, with consequent payment in pounds sterling.[12] However, the Commission acknowledged that nearly three years of negotiations on the issue "were not productive" and that efforts to agree on a formula for even a partial release had been unsuccessful.[13] Because, by this time, the ownership, identity of owners, and amount of each account had been established, the members of the CCP thought that the matter could be easily settled. To cite: "In this regard there are no questions for negotiation and under these conditions payment to the individual owners of the accounts can be readily effected." The Commission re-emphasized that agreement on this issue "would contribute to the well-being of the refugees and would be a step in the development of peaceful relations."[14]

Israel's representatives took up the Commission's point that negotiations on the issue had produced the only direct contact with the Arab delegations. They complained, however, that the technical obstacles were not the only difficulties that blocked the settlement of the issue and charged that the agreement reached in February "could not be put into practice owing to lack of cooperation by the Arab Governments in implementing it." The Israelis also emphasized that any settlement would be conditional upon the freeing of Jewish deposits blocked by Iraq.[15]

The Egyptian delegate answered that the Arabs did not oppose the proposal, particularly as they had accepted it in principle at Lausanne. "The only desire of my delegation is that the formalities of unfreezing should be undertaken as soon as possible, for the freeing of the assets . . . would be of considerable assistance."[16]

The First Installment

The question lay dormant until the end of 1951 shortly after

the Sixth General Assembly. Early in 1952 the Commission reconvened in New York, to discuss problems of compensation and blocked accounts. It was decided to reopen the issue by resuming negotiations with Israel to ascertain its position and to consider what further steps should be taken to secure the release. On the basis of Israel's reaffirmation of its offer at the Paris Conference further steps were to be initiated to proceed with the release plan.

In May 1952 the CCP authorized Ambassador Ely Palmer, the U. S. representative on the Commission, to undertake on its behalf a démarche to Ambassador Eban urging that his government unconditionally release the blocked accounts. It was believed that some 20,000 to 30,000 Arab refugees might eventually be affected by the action, and that "opinion towards Israel in the Arab states would be perceptibly affected by an act of goodwill in this matter."[17]

Israel appreciated the CCP's desire to improve its relations with the Arabs, but pointed out again that bank accounts of many Jews from Arab countries, especially Iraq, were still held by the Arab Governments and banks. "It would be reasonable to expect that the interests of these refugees from Arab countries should be treated with no less concern than those of Arab refugees from Israel." Nevertheless Israel did agree to discuss measures gradually to release accounts held by Arab refugees in Israel "subject to the over-all foreign exchange position of the country."[18]

In the Commission's view, Israel's answer expressed a desire "to make a practical contribution towards the alleviation of the lot of Arab refugees and the advance of peaceful relations between Israel and the Arab countries." The CCP's Chairman expressed his satisfaction with the response which he considered "an important step towards the settlement of . . . differences. . . ." Israel's action was in accord with the General Assembly position that the governments concerned had primary responsibility for settling outstanding differences in line with resolutions of the United Nations.

As negotiations proceeded, it became clear that there had been a misunderstanding between Israel and the Commission. The latter believed that Israel had agreed to release to their legitimate owners all blocked accounts, regardless of the amounts involved. It understood that the agreement was to be unconditional, regarding both release of Israeli accounts blocked in the Arab countries and the final settlement of other issues. The act was to be unilateral. The only restrictive factor was to be availability of foreign

exchange.[19] On the other hand, on July 17, 1952 Israel merely renewed its offer made two years earlier at Lausanne to release only amounts up to £P100 from each bank account. The total was expected to be about £P500,000. While the offer was not linked with a request to the CCP to arrange for release of Jewish accounts frozen in Iraq, the Israeli authorities stated that "it is hoped that action to that end will be taken."[20] That was a condition in Ambassador Eban's original offer to free the Arab accounts. After several months of negotiations with the United States, Israel's delegation to the United Nations was persuaded to remove it. Only then did the CCP and Israel's friends in the United Nations recognize the offer as a genuine concession.

The concession was unpopular in Israel. The newspaper *Davar*[21] felt that the offer should logically lead the government to seek a more sympathetic attitude from the United Nations. "Israel's gesture is directed at the Arab states, which have done nothing toward a solution of the refugee problem," it commented. Its editors hoped that the Arabs would consider Israel's readiness to release the deposits and to help resettle the refugees in their present abodes as proof of the possibility of peacefully resolving other problems. The General Zionist *Ha-Boqer*,[22] commented that the Government made its concession to release Arab accounts on the very day when five Israeli watchmen were murdered by Arabs in the Negeb. It pointed out that "nothing has been heard yet from the part of the Arab governments about the release of Jewish deposits which they had frozen arbitrarily."

Following the agreement on the principle of unfreezing the accounts, the CCP and the Israel delegations met to discuss technical arrangements. Matters of amount, method and time of release were yet to be determined and agreed upon.[23] The CCP believed that arrangements should be made between Israel and the banks concerned. It favored a normal banking operation in which Israeli banks would receive a Government order to unfreeze all accounts. It proposed the transfer of funds to correspondent banks accessible to the legitimate owners, in stages according to the value of the accounts. The CCP offered to lend its good offices and to provide expert assistance, whenever necessary. "Such a procedure is consistent with the initiative and responsibility assumed by Israel," it declared.

Israel was prepared to implement the transfer by entrusting the banking operations to an institution which would act as the agent for all banks in Israel holding deposits, and for the banks which

would be authorized to accept applications from depositors in the Arab countries. It indicated its willingness to enter discussions with Barclay's Bank, Ltd. and to use the good offices of the United Nations delegate from the United Kingdom to facilitate negotiations.

The CCP believed that as the transfer was to be by stages, an equitable system of payments to the account holders should be worked out. It, therefore, urged Israel to indicate at an early date the amount the latter was prepared to release at the first stage. The Commission suggested a system of priorities to give the greatest possible number of refugees their assets in the first installment and to provide sufficiently large amounts to individual holders at each stage to alleviate effectively their economic distress, with priority to small accounts.

However, Israel's delegation informed the CCP that in view of their country's international currency position the first installment would consist of only £P1,000,000, which would be transferred at the rate of exchange of one pound Sterling for one Israel pound.[24] It agreed to give preference to small account holders. The release would be made in monthly amounts of £P50 from all blocked accounts up to £P500. Since more than half the accounts were less than £P100, the majority would be released in the first two months of the scheme. At the end of the first stage of the unfreezing operation all but 1,200 Arab refugees, who held accounts of £P500 or more, would have received all their blocked funds.

The Commission expressed the hope that securities and valuables in safe deposit boxes belonging to Arab refugees would also be transferred without delay. The operation would not require an allocation of foreign currency and could be considered a normal banking activity between Israel and the banks involved, with the assistance of the CCP. The Israeli delegation promised that following agreement by Israel, the banks, and the depositors on the procedure for opening the boxes, its Government would be ready to transfer the contents of the boxes, "in accordance with the laws of Israel," and with "the greatest measure of fairness."[25]

Conversations between Israel and Barclay's Bank officials began on October 20, 1952, after the CCP had been informed by the United Kingdom that the bank was prepared to undertake the operation. It was proposed that the Ottoman Bank should also participate at a later stage. During all these parleys an economic expert provided by the Secretary General of the United Nations was present.[26]

The talks were concluded early in November, and a general agreement on an outline of the release scheme was reached. A Central Control Office was to be established at the Jerusalem (Israel) branch of Barclay's Bank. Barclay's was to prepare standardized application forms, setting out particulars to be given by every applicant to enable the banks to verify and identify the validity of each claim. All claims were to be sent to the depository banks for verification, after which they were to be approved by the Israel Custodian of Absentee Property, who would return them to the banks. The latter would make the transfer in pounds sterling or the equivalent of other acceptable currency to the appropriate bank on behalf of the claimant.[27]

Late in February the application forms were ready for distribution to Arab refugees through the local offices of UNRWA and the branches of Barclay's and the Ottoman Banks in Egypt, Jordan, Syria, Lebanon, Iraq, Cyprus and Israel, and through the Banque de Syrie et du Liban in Syria and Lebanon. Actual distribution was to begin on March 1, 1953. The Israel Government announced that it would continue to receive applications until May 31, 1953. Applications received after that date or on other than prescribed forms would not be considered. The forms, which were in Hebrew, Arabic and English, required the applicant to state his current address, his address on November 29, 1947, and to give documentary proof of this information, as well as data concerning his account.[28]

Political Repercussions of the Release Scheme

Israel's agreement to release refugee accounts came when the efforts of the CCP to carry out the other aspects of its mandate were at a particularly low ebb. The Commission had been employing all the procedures and devices at its disposal since 1949 with no tangible results. Finally, it began to doubt whether "any attempt on its part to undertake again one or another of these procedures would be fruitful." However, in evaluating the significance of its success in obtaining a release of blocked accounts, the Commission was encouraged to believe that further progress could be made in eliminating differences which separated the parties by "concentrating in a constructive way on individual issues and thus gradually reducing the area of disagreement." By successfully solving specific problems, the CCP hoped to eliminate many causes of friction and "generate sufficient goodwill to lead eventually to the undertaking of negotiations between the parties

themselves."[29] Although the CCP was optimistic, the U. S. Department of State cautioned that Israel's concession was only the beginning of an arduous path to an Arab-Israel settlement.[30]

Israel's Foreign Minister Moshe Sharett emphasized that his Government's concession was an experiment in arriving at arrangements with the Arabs. "It is clear," warned its spokesman, "that the absence of any positive reaction would not be received favourably."[31] Abba Eban, the chief of the Israel delegation at the U.N. Seventh General Assembly, emphasized that his country had responded to the United Nations' request despite heavy strain on its economy, especially at a time when the Arab Governments were doing everything possible to restrict Israel's economic capacity by economic boycott and blockade. Release of blocked accounts was causing a flow of currency to states that were jeopardizing Israel's own currency position. Surely this move, he claimed, should demonstrate Israel's goodwill.[32]

The scheme was attacked by Israel's right wing press shortly after the distribution of application forms began. *Herut* argued that this gesture would not change the Arabs' uncompromising position, but on the other hand, "it has caused Israel to forfeit a trump card in the effort to save frozen Jewish property in Arab countries. Common sense would suggest that Arab assets should not have been released without reciprocal action regarding the assets of Jewish immigrants from Iraq." The paper believed it extraordinary that, at a time when Israel was in severe economic straits, when unemployment was growing, when new taxes were about to be levied, and when it could not even afford to buy jetplanes, the Government should permit itself to present a cool million pounds from funds and grants as a "gift" to the Arabs.[33] The General Zionist *Ha-Boqer* compared the Arab refugees with the four million Sudeten Germans who were forcibly expelled from Czechoslovakia after World War II. It argued that the Sudetens did not claim compensation for their property nor did any foreign power justify such a claim. The Israeli Government should have delayed compensation until the Arab governments showed willingness to release frozen Jewish assets.[34]

On the Arab side, an attack was opened on the release scheme in Jordan early in March. Dr. 'Izzat Tannous, Secretary General of the Palestine Refugee Committee, declared to the press that he questioned the legality of the application forms for release of blocked accounts.[35] He particularly objected to the application form,[36] which, according to him, implied the recognition by the

signatories of the legal existence of Israel, in contradiction to the Refugee Committee's policy of non-recognition. Furthermore, he pointed out that the Israel Government deducted ten per cent of all refugee accounts for its compulsory National Loan imposed on all bank accounts in Israel in June 1952.[37] Tannous felt that Israel had no moral or legal right to impose such a loan on the Arab refugees who were neither citizens of the Jewish state nor subject to its laws. He also objected to withdrawal of amounts of £P500 and over from all Arab blocked accounts by the Custodian of Absentee Property at the end of 1952. The Custodian took this action by virtue of the Absentee Property Law of 1950 vesting in him all the absentees' properties and every right to them.[38] The Custodian's office denied that these withdrawn funds had been confiscated, and he promised that they would be returned to the absentee accounts. For the time they were being used as a loan to develop absentee property.[39]

Tannous' campaign induced Jordan's Council of Ministers to order branches of Barclay's and the Ottoman Bank and UNRWA offices to cease handling the Israeli application forms. The Jordan Government also requested holders of blocked accounts to stop submitting the forms "pending an investigation into the legal correctness, obvious confusion and mistakes included in the text."[40] It accused Israel of illegal confiscatory measures in levying the ten per cent loan and in removing accounts of £P500 and over.

Israel condemned the bad faith of the Arab governments. Its diplomats were instructed to call attention of diplomatic quarters to "the poor prospects for substantive steps likely to contribute to the relief of the Arab refugees' plight." According to the Israelis, "The Arabs proved once again that they intend to exploit the refugees' distress for propaganda purposes." Israeli official communications presented this point of view to the Western powers that had influenced Israel to make the goodwill gesture.[41]

In discussions with American diplomats in Tel Aviv, Israel's authorities maintained that Jordan's sentiments were not in keeping with its declarations, for it had criticized Israel in the past for not releasing blocked accounts. Now when many refugees had the opportunity to receive their frozen funds, residents in Jordan were forbidden to take advantage of it. This could only mean that Jordan was opposed to solving the refugee problem and to clearing the way for peace.[42] Furthermore, Israel announced in the United Nations that it did not intend to compel anybody to accept the

offer. "If a step intended to create good will was liable to cause friction, Israel could not consider it reasonable to allocate foreign currency, which she badly needed herself, for transfer to countries which consider this undesirable."[43]

The political storm stirred up by the new controversy was disconcerting to the CCP, whose members had so laboriously threaded their way through four years of delicate negotiations to attain this first tangible step in lessening Arab-Israel friction. To prevent a miscarriage of the whole operation, the CCP delegated John Reedman of the United Nations Secretariat to visit the various capitals concerned. The Commission also officially noted the Arab allegations concerning the compulsory loan and the removal of all deposits of more than £P500. It pointed out that Israel had informed the Commission that accounts under £P50 had not been subject to the ten per cent loan, and that the transfer of accounts over £P500 to the Custodian "was for the technical purpose of facilitating the release of funds to account holders." The Commission also urged account holders to submit their applications, so that those in need could receive the first installment of the payments as rapidly as the technical work of verifying claims by the banks could be completed. The Commission assured the refugees that they would not "prejudice whatever other claims they may have, nor will this payment . . . in any way prejudice the claims of owners of accounts to the balance of their accounts." The CCP also requested the governments of Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, Syria and Yemen to facilitate prompt submission of applications, wherever possible.[44]

Reedman spent nearly two months in an attempt to reconcile Israel's and Jordan's positions. In the course of his travels back and forth between Tel Aviv and Amman, the Arabs suggested that the words "State of Israel" be deleted from the forms and replaced by "competent authorities." Israel rejected this proposal, considering it an affront to its authority and sovereignty.[45] The substance of the dispute did not involve mainly procedure or technical matters but rather stemmed from Jordan's resentment of Israel's existence.

Meanwhile, the flow of applications almost stopped and it seemed that the number of accounts eligible for release would be quite small on the deadline day of May 31. However, when agreement was finally reached on format of the applications and the approval of the Jordan government was obtained, Israel extended the deadline until July 31, and later again to August 31, 1953.

The final compromise of June 3, that led to the end of Jordan's ban, called for the attachment to the original application forms of a special slip of paper issued by the CCP in English and Arabic, with the explanation that the ten per cent transferred to the National Loan and the sums of over £P500 to the Custodian would be returned to the accounts. The slip included the explanation that no political strings were attached to the release and that the rights of the refugees to their entire accounts were in no way jeopardized by signing and submitting the application.[46]

When the deadline for the first installment expired, a total of 3,216 applications had been received, of which 2,689 were approved by the Israeli authorities. They accounted for £P720,743 of the £P1,000,000 which Israel had agreed to unfreeze. According to U.N. sources, applications were not submitted for the total because of inadequate information and publicity, especially in Syria where the officials of the Banque de Syrie et du Liban who handled the operation had not been properly briefed. The confusion during the operation's suspension also contributed to the shortage of claimants.

Israel's original agreement with the CCP in 1952 called for releasing all accounts, with the reservation that the release be effected in stages, subject to the availability of foreign currency to the Israel Government. Interested in the completion of this task, the Commission informed Israel on February 17, 1954 that it was convinced that the balance of approximately £P3,000,000 should be released and that the problems of the availability of currency could be worked out with the banks through the good offices of the United Kingdom.[47]

Test Cases Before Jordan and British Courts

Barclay's Bank was particularly eager to settle the issue because of claims made upon it through courts in Jordan. On May 23, 1954 Jordan's Court of Cassation ruled that Israel's blocking of accounts did not release the banks from their responsibility to the Arab depositors. In a test case, the Jordan court ordered Barclay's Bank to pay £P6,000 to Mme. Bahiya Barakat, a refugee from Jaffa, who had sued the bank two years earlier when it had refused to pay her the sum blocked in its Israeli branch.[48] Barclay's lawyers had argued that the banks holding blocked accounts had been forced to close in 1947-48 because of prevailing conditions of insecurity; that in such a situation of *force majeure* they could not be held accountable for the consequences; that payment

was barred by Israeli currency controls over transfer of funds outside the state and that the depositors must apply to the branch banks that held their accounts. However, the court rejected these arguments and held that the main office of the bank was required to pay deposits held in the branches. Of course, the true reason behind the court's ruling was Jordan's principle of non-recognition of Israel.

In a similar case carried through the English courts to the House of Lords, the blocking of accounts by Israel was held to be binding on the banks. The Arab Bank sued Barclay's Bank in England, for the sum of £582,931—the balance in sterling—of the Arab Bank's account in Barclay's Jerusalem branch, at the end of the British mandate in Palestine. The action was brought to determine the legal result of the outbreak of Israel-Arab hostilities on the relations between the two banks. The Arab Bank argued that its contract on current accounts with Barclay's Bank was wholly frustrated and that in its place the respondents were obligated to pay the appellants the equivalent, as money had and received, on the ground that they would otherwise be unjustly enriched. This would constitute an obligation enforceable wherever Barclay's Bank could be found. The Bank contended that the effect of hostilities was different, that the contract between the parties was merely suspended; that the indebtedness of Barclay's Bank was not destroyed, but was an accrued right and, therefore, outside the general rule regarding abrogation. The balance, therefore, remained in existence only subject to the Arab Bank's right to sue for it after the cessation of hostilities. The Arab Bank lost its final appeal in the British courts when the House of Lords handed down a decision in favor of Barclay's Bank on April 1, 1954.[49]

Despite the decision of the British court, the banks felt that their position in the Arab countries became endangered by the Jordanian court order. Consequently, Barclay's informed the CCP in May 1954 that it had offered a sterling loan to the Israel Government sufficient to repay all the remaining blocked Arab balances. This loan was to be accompanied by a much larger loan to the Israeli Government, at that time hard pressed for foreign currency. The Commission informed Israel of its gratification that the means had been found to facilitate speedy liquidation of all outstanding accounts and expressed the hope that the matter would soon be concluded successfully. In reply, Israel informed the CCP that it was prepared to proceed with the scheme, despite

its disappointment with the results of the release. To avoid further obstructive interference "and ensure genuine relief to all those entitled to benefit from the scheme Israel felt that it was necessary to enter direct discussions with the Arab depositors concerning new release procedures."

However, the CCP took the position that the Israeli proposal "would represent a departure from the agreement between Israel and the Commission for a settlement, which had been unconditional except for the question of the availability of the necessary foreign currency." In the Commission's view, the introduction of new procedures and Israel's demand for direct negotiations with the depositors, "would introduce a step which was unnecessary and which would, in all probability, prove unfruitful . . . to make the proposed negotiations a condition to the ultimate payment of the remaining accounts might jeopardize the entire scheme."[50]

Direct Negotiations With Refugee Representatives

Despite this warning, Israel decided to open negotiations with representatives of the refugees. In the summer of 1954 Israeli officials began direct parleys in Paris with representatives of the General Refugee Congress of Palestine, one of several small unofficial Palestine Arab refugee organizations. However, when the negotiations became known, the Government of Jordan objected, arguing that they were being carried on by unauthorized individuals. The Jordanian Minister responsible for Arab affairs stated that the two unauthorized negotiators "would be guilty of 'treason' for making contact with 'the enemy,' "[51] and a warrant was issued for their arrest.

Israel called Jordan's reaction "most extraordinary." It pointed out that the absence of any direct contact with the depositors had made the first stage of the unfreezing operation "a most lengthy, laborious and imperfect process, with the result that less than $2 million of the $2.8 million allocated was actually paid out and that with great delay." To avoid such difficulties, Israel had entered direct negotiations with the General Refugee Congress and had invited it to submit proposals for the release scheme. The list of proposals was "purely of a technical banking nature," and Israel had accepted it. The role of the Congress was limited to assistance in processing the applications. Funds would be paid directly to the individual depositor. The conclusion of the issue, in the opinion of Israel's delegation, lent support to the Israeli argument that the questions at issue between Israel and the Arab states

could be solved only by direct negotiations. Furthermore, Jordan's reaction proved that the Arab Governments "are evidently quite prepared to do injury to the interests of the refugees in order to feed the passion of hostility and hatred against Israel."[52]

In the meantime, the CCP learned that on November 16, 1954 Israel's Government announced over the radio procedures to be followed by holders of blocked accounts for securing payment. The Commission noted that there were important differences between the procedures announced on November 16 and those agreed upon with the Refugee Congress, particularly Israel's grant to the Congress of exclusive handling of application forms and authorizations for payment on behalf of the refugees. The November 16 broadcast made no such provision.

Accordingly, on November 25 the CCP asked Israel for clarification. It was informed that the steps announced in the broadcast described the entire procedural agreement between Israel and the banks. The Commission therefore assumed that the latter agreement was acceptable to the banks and that it (and not the agreement with the Refugee Congress) described the procedure to be followed. The CCP felt that it could assist in any arrangements for carrying out the release without further difficulties. Despite the differences of opinion that arose between Israel and the CCP, the latter derived "satisfaction from the knowledge that those differences were ultimately resolved through the very process of conciliation which constitutes the Commission's principal task."[53] By the beginning of 1957 the release was proceeding with only minor technical difficulties. By the end of August 1956, the total amount released was £2,633,175. As of that date all accounts released had been held by Barclay's Bank and the Ottoman Bank. The total of absentee deposits in these banks was estimated to be about £3 million, of which some 87 per cent was released. None of the absentee accounts held by other banks in Israel had been released "although the Commission feels confident that the necessary action to release these acounts will be taken in the near future." The latter amount was estimated to be about £300,000.[54]

Conclusions

Thus, to conclude successfully this small operation of releasing frozen Arab accounts, the CCP had to labor through six years of intricate negotiations. The difficulties encountered in achieving even this small advance are indicative of even greater obstacles to the solution of larger and more complicated issues.

On the one hand, Israel did not see the release of the Arab blocked accounts as an obligation. It tended to connect it with the whole Palestine problem. In view of the Arab refusal to negotiate directly a general peace settlement, Israel considered the release as a concession. It did not view the accounts as a debt to the refugees, because the problem was taken out of the total context of all refugee and Palestine issues. After it had released the first installment, the Israeli Government expected some *quid pro quo* from the Arab states before completing the release process.

The Arabs, on the contrary, did not regard the release as a concession, but rather as a final implementation of the refugees' natural rights. They regarded Israel's move as a tactic to withhold the remaining three quarters of the funds. In Arab eyes, Israel's "concession" was not at all related to a general settlement of the Palestine problem. Because the United Nations did succeed in obtaining some small part of "what was due the refugees," the Arabs saw no reason to regard this as a step toward peace, nor would they permit such a "concession" to be used to strengthen Israel's political position. The Arab attitude toward the application forms for release of blocked accounts was characteristic of their suspicion of Israel's motives. The forms reinforced the Arab fear that one of their purposes had been to secure *de facto* recognition of Israel's sovereignty and authority over Arab property, which they were not prepared to grant. In general, the Arabs tended to isolate such problems from the total context of the Palestine situation and to insist that they were in no way related to a peace settlement.

In view of these sharp differences, it would seem that the CCP greatly exaggerated the psychological importance of the release plan. Its belief that this measure would "advance peaceful relations between Israel and the Arab countries" seems unjustified. Nor does its estimate of the value of the accounts to be released as "a practical contribution towards the alleviation of the lot of the Arab refugees" appear to be grounded upon fact. The figures presented at the beginning of this chapter clearly underscore the relative insignificance of these funds as a contribution to bettering the refugees' living conditions.

NOTES

1. Interviews with officials of the Office of the Custodian of Absentee Property.

2. To cite from paragraph 5(a) of the Emergency Regulations Concerning Absentee Property, issued by the Minister of Finance, Dec. 2, 1948: "Every property of an absentee is hereby vested in the Custodian from the date of publication of his appointment under these Regulations and every right which an absentee had in his

property shall pass automatically to the Custodian from the time of such vesting," in Provisional Israel Government, *'Iton Rishmi* (Official Gazette), Supp. II, no. 37, Dec. 12, 1948, p. 59, The Law and the Administration Ordinance, 5708—1948.

3. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (4th session), Annex, II, pp. 3-5 (doc. A/838).

4. *Ibid.*, pp. 5-9 (doc. A/927).

5. *Ibid.*, pp. 9-14 (doc. A/9222); (5th session), Annexes, I, Agenda Item 20, pp. 9-15 (docs. A/1252/1255); (5th session), Supp. no. 18, (A/1367/Rev. 1), pp. 16-17; *Ha-Arez*, Feb. 15, 1950.

6. U.N. G.A. OR, *Ad Hoc* Pol. Comm. (5th session), Summary Records, p. 454.

7. *Ibid.* (Palmer).

8. U.N. G.A. PR (5th session) (doc. A/1793) CCP 9th Progress Report.

9. *Jerusalem Post*, May 14, 16, 1951.

10. *Divrei ha-Kneset*, VIII (1951), pp. 1358-62; *The New East, op. cit.*, p. 330.

11. Divrei ha-Kneset, VIII (1951), p. 1358.

12. The other four proposals were: (1) mutual cancellation of war claims; (2) Israel acceptance of the obligation to pay compensation to the refugees; (3) Israel agreement to a limited repatriation of the Arab refugees; (4) consideration of a revision of the armistice agreements between Israel and the Arab states.

13. U.N. G.A. OR (6th session), Supp. no. 18, *op. cit.*, p. 4.

14. *Ibid.*, p. 6.

15. Israel's representative, Abba Eban, again emphasized the success of direct talks on January 12, 1952. *Cf. ibid.*, p. 19; *Ad Hoc* Pol. Comm. (6th session), Summary Records, p. 213.

16. U.N. G.A. OR (6th session), Supp. no. 18, *op. cit.*, p. 22.

17. U.N. Department of Public Information, Press Release PAL/669, Apr. 30, 1952; U.N. G.A. OR (7th session), Annexes, II, Agenda Item 67, pp. 3-4 (doc. A/2121).

18. U.N. G.A. OR (7th session), Annexes, II, Agenda Item 67, pp. 5-7 (doc. A/2216).

19. *Ibid.*, p. 5.

20. *Jerusalem Post*, July 17, 1952.

21. July 16, 1952.

22. July 17, 1952.

23. *Cf.* Medzini, Moshe, in *Ha-Arez*, July 18, 20, 1952.

24. *Cf.* Government of Israel, *Government Year-book* 5714 (1953-54), pp. 138-39, 271, where the point was made that in 1951 only 18 per cent of Israel's imports were balanced by exports. The country's total estimated income in foreign currency from July 1, 1952 to June 30, 1953 totaled $305,100,000, of which only 18.8 per cent was balanced by exports. Estimated foreign currency expenditure totaled $305,000,000 of which Arab deposits accounted for $2,800,000.

25. U.N. Department of Public Information, Press Release PAL/672, July 11; PAL/673, July 16, 1952.

26. U.N. G.A. OR (7th session), Annexes, II, Agenda Item 67, pp. 5-7; U.N. Department of Public Information, Press Release PAL/878, Oct. 9, 1952.

27. U.N. G.A. OR (7th session), Annexes, II, Agenda Item 67, pp. 8-9 (doc. A/2216/Add. 1).

28. *Ha-Arez*, Feb. 24; *Jerusalem Post*, Feb. 24, Mar. 1, 1953.

29. U.N. G.A. OR (7th session), Annexes, II, Agenda Item 67, p. 7 (doc. A/2216).

30. *Ha-Arez*, Oct. 14, 1952.

31. *Ibid.*, Oct. 13, 1952; Jewish Agency, *Digest of Press and Events*, VI, no. 431, Oct. 24, 1952, p. 27.

32. U.N. G.A. OR *Ad Hoc* Pol. Comm. (7th session), Summary Records, p. 31.

33. *Herut*, Mar. 2, 1953.

34. *Ha-Boqer*, Mar. 2, 1953.

35. *Filastin*, Mar. 3; *Beirut Daily Star*, Apr. 9, 1953.

36. The application forms originally issued included the following statement to be signed by all claimants:

"Dear Sirs,

I hereby request you to apply to the Government of Israel on my behalf for permission to remit, for payment to me at the address stated below, such part or parts of any balances held by you on current, savings or deposit account in my name as may be authorized for payment to me now, or from time to time hereafter, by the Government of Israel, and in accordance with such stipulations as they may make, and I hereby request you to make such payments, as and when so authorized, in whatever manner you may deem fit, but without any responsibility on your part, and to debit my account with the countervalue thereof. I authorize you to furnish any information required."

37. The Law on The Exchange of Bank Notes and National Compulsory Loan was passed by the Kneset on August 12, 1952. *Cf.* Israel Government, *Sefer ha-Huqim* (1950-52), no. 105, pp. 272-75.

38. The Absentee Property Law, 5710-1950, par. 4. (a), in *ibid.*, (1949-50) no. 20, pp. 86-101.

39. A spokesman for the Office of the Custodian of Absentee Property stated that about £P2,500,000 were borrowed from absentee accounts for development purposes. The money was used largely in the rationalization of abandoned citrus groves. During the five years prior to 1953 five million pounds were spent for this purpose.

40. *Jerusalem Post,* Apr. 7, 13; *Ha-Arez,* Apr. 7, 1953.

41. Correspondence in *Davar,* Apr. 9, 1953.

42. *Ha-Arez,* Apr. 9, 1953.

43. *Ibid.,* Apr. 14, 1953.

44. U.N. G.A. PR (8th session) (doc. A/2629), CCP 13th Progress Report, pp. 2-5; Department of Public Information, Press Release PAL/686, Apr. 11, 1953.

45. *Jerusalem Post,* Apr. 28, 1953.

46. *Ibid.,* June 5, 8, 1953; Gideon Weigert in *ibid.,* June 17, 1953; CCP Press Release, Jerusalem, June 18, 1953; U.N. G.A. PR (8th session) (doc. A/2629), pp. 2-5.

47. U.N. G.A. PR (9th session) (doc. A/2897), CCP 14th Progress Report, pp. 3-6.

48. *New York Times,* May 24, 1954.

49. *Cf. Journal of the Institute of Bankers* (London), LXXIV, Part V, pp. 221-22, 252-63; Part VI, pp. 305-13; *New York Times,* April 4, 1954.

50. U.N. G.A. PR (9th session) (doc. A/2897), *op. cit.*

51. *New York Times,* Nov. 5, 1954.

52. Israel Government Information Office, *Israel Digest* (New York), V, no. 46, Nov. 15, 1954, pp. 4-5.

53. U.N. G.A. PR (9th session) (doc. A/2897), *op. cit.*

54. U.N. G.A. PR (11th session) (doc. A/3199), Oct. 4, 1956, CCP 15th Progress Report, pp. 7-9.

CHAPTER XIII

Conclusions

THIS STUDY has traced the development and examined some of the complexities of Israel's policy toward the Arab refugee problem. Those who set up the Jewish State neither anticipated nor planned for the mass Arab exodus and the myriad of issues it created. In the wake of the flight there were left problems of abandoned property, compensation, blocked accounts, an embittered minority, and relations with the neighboring states, the great powers, and the United Nations.

From the chaos of the mass flight there emerged at first an incoherent policy toward the refugee question and all its related problems. When subjected to international pressure for a return of the Arabs, the Israel government improvised a policy of no reentry before peace, and gave a rather hesitant, but non-committal, long-term promise to consider Arab repatriation as part of a final settlement with the neighboring countries.

As it became clear that the refugee problem was one of the most troublesome aspects of the Palestine question, the strain of international demands upon Israel to permit repatriation increased, forcing the government to take a more decisive stand. Israeli authorities then began to place growing emphasis upon a solution through resettlement in the Arab world. Promises to consider an Arab return as part of a general peace settlement were mentioned less and less and, finally, not at all.

Initially, the degree of Israel's resistance to pressure for repatriation varied with the international political climate. When the refugee problem was still fresh, in 1949, and the imprint of changing conditions within the country had not yet hardened, American and United Nations calls for a refugee return were still subject to the give and take of diplomatic bargaining. At that point in its history, the new state agreed to repatriate 100,000 Arabs but demanded in return Arab agreement to negotiate a peace settlement. Since the required *quid pro quo* was never forthcoming, the compromise failed.

Within Israel, early discussion of Arab refugee policy revealed a variety of attitudes. On the right, the extremist Herut party op-

posed any concessions. It played upon national insecurity and attempted to arouse fear and mistrust of even a token Arab reentry. At the other end of the political spectrum the Communists and the left-wing Mapam party castigated the government for its heartless attitude toward the Arabs, both refugees and minority. The Left called for restoration of all "peace-loving" Arabs and "democratic elements" among the refugees, and a more humane policy toward the Arab minority within Israel. In early discussions of the problem there was little difference between the approach of the Communists and Mapam. They were naturally supported by the representatives of the Arab minority who were eager for refugee repatriation and restoration of their community to as much of its pre-war status as could be attained. All parties opposed to the government's foreign policy used the refugee issue and indications of weakness under the strain of international pressure as a central point of attack.

The Progressive, General Zionist, and Religious parties generally tended to back the government in its approach to the refugee problem as they did on most foreign policy matters. But even within these groups as well as within the leading element of the government coalition, the Mapai party, there were rumblings of dissent. Fear of a mass Arab return so frightened some Kneset members that they broke party discipline and spoke out against repatriation on even a limited scale.

The longer the refugee question remained unsolved, the more difficult became restoration of the status which the Arabs had had in mandated Palestine. In Israel, political, economic, and social change was rapidly undermining any of the remaining foundations upon which repatriated Arabs could rebuild their lives. In rural areas their abandoned villages were occupied by the tidal influx of new Jewish immigrants and their agricultural land was becoming rapidly absorbed in Israel's agrarian economy. In the cities their commercial, industrial, and residential property was taken over by the Jewish community, and in many urban areas whole Arab sections were destroyed to make way for new city planning. The chances of refugee restoration to their former homes were diminishing day by day, *dunum* by *dunum,* and stone by stone as time went by.

The Palestine from which the Arabs fled in 1948 was not only undergoing a physical transformation, but was in the throes of a cultural and social revolution which was rapidly sweeping away many remnants of the non-material aspects of life upon

which Arab society had been established. Government controls had become ubiquitous with rationing, heavy taxation, currency control, immigration regulations and border surveillance. Restoration of a patriarchal community was out of the question. New twentieth-century techniques and values of life were seeping into every corner of the state and undermining any possibility of preserving the concepts of Palestine Arab life known to the refugees.

Perhaps the most influential factor affecting Israel's policy was the new state's insecurity in the Arab world. Failure to convince the Arab states of its peaceful intentions, the constant repetition of bellicose threats from across the border and hostility of the refugee population to the new state, expressed in demonstrations within the Arab capitals and outbreaks along the borders, hardened resistance to consideration of repatriation as a possible solution of the refugee problem.

This overwhelming combination of factors and its impact upon public opinion in Israel caused even the left-wing Mapam to modify its position, so that by 1953 its spokesmen no longer talked in terms of large-scale repatriation. The dynamics of party attitudes toward an Arab return moved in the direction of the Herut stand of opposition even to token repatriation or mere acceptance of the abstract principle of such a right. The trend was reflected again and again in every Kneset debate on Arab problems, in the speeches of the nation's officials, and in the local press.

The country's insecurity in its Arab environment was evident in the tendency of Israel's Jews to link the minority with Arabs over the border. Nearly every Israeli Arab—with the notable exception of the Druzes—had relatives who were refugees somewhere in the Arab world. Because it was a common belief in Israel that the Jewish state was hated by the refugees and by the Arab states, the hatred was automatically linked with the Arab minority of Israel.

This state of mind was exacerbated by the continuation of explosive border incidents. Steady infiltration—a constant stimulant to hyper-security consciousness—was attributed directly to the concentration of Arab refugees along the frontiers.

The refugees naturally sought to return to Israel. Many of them had families—brothers, sisters, or parents—whom they had had little opportunity to see since 1948. Infiltration was the only way many could maintain broken family ties. Along the borders in the Triangle area of central Palestine, where the Qibya, Nahalin, and other such incidents occurred, there were thousands of

Arabs whose homes were in Jordan, but who were cut off from their fields, farms, property, and only means of livelihood by the peculiar armistice borders which were arranged at Rhodes in 1949. The frontiers were fixed primarily by strategic considerations, and little thought was given to their long-range economic and psychological effects. They naturally caused tension among the border villagers who daily saw the fruits of lifelong labors being reaped by "the enemy" only a few yards away.

The violence of the incidents grew with astounding rapidity and force. Some infiltrators caught by the Israel authorities were deported. Upon reentry, they were dealt with more harshly, and often killed, their deaths inciting blood feuds. Many of the murders along the border resulted from these vendettas, which generated a chain of retaliations culminating in incidents like Qibya on a smaller scale.

The fundamental remedy to the problem of infiltration and border incidents was resettlement of the Arab refugees concentrated along the borders. Since Israel urged resettlement, the Arab states automatically opposed it. United Nations and American Department of State officials often suggested that a token concession by Israel on repatriation might induce the Arabs to accept some kind of resettlement plan.

But this argument engendered a vicious circle. The main cause of Jewish opposition to repatriation was insecurity. The insecurity stemmed in part from the frequency of infiltration and border incidents, and from Arab opposition to a negotiated settlement. The complex of Arab actions and attitudes was affected by the unsettled conditions of refugees concentrated along Israel's borders, who could not be dispersed unless they were resettled in the Arab world. Yet plans for resettlement could not be implemented without some concession from Israel—preferably acceptance of the principle of repatriation and return of a token number of refugees. Israel would not consider any form of repatriation while the border incidents and the war continued.

The only exceptions to the trend of growing security consciousness among Israel's political parties were expressed by Communists and Arab Kneset members. The position of the former was understandable in view of their increasing concentration of political effort on the Arab community. And the appeal of repatriation to the Arab community made support of refugee return a *sine qua non* of any Arab candidate's political program.

The failure of international pressures upon Israel to permit

the return of even a token number of Arabs led to an approach which it was hoped would be less controversial in settling the Palestine question. The United Nations believed that a diversion to functional issues, such as compensation and the release of Arab bank accounts frozen in Israel, would make it possible to bypass the most irritating aspects of the Palestine problem. After some of the less politically sensitive issues had been cleared away, those upon which compromise seemed impossible might be approached.

Initially, Israel refused to treat the question of compensation for abandoned Arab refugee property out of the context of a general peace settlement. But in 1951 when the United Nations began its new approach, Israel agreed to consider payment prior to a peace conference, even though this concession was made in the face of a strong minority opposition. However, soon after, when Iraq took measures to impound property of Jews emigrating to Israel, the government was forced to circumscribe its concession with a number of political qualifications. By the end of 1956 the continued opposition to compensation by political parties upon whose support the government relied in its foreign policy, vetoed a real, material commitment.

The number of political qualifications which Israel attached to its compensation concession caused the Arabs to consider it only a theoretical offer made for political purposes. However, the existing climate of public opinion in Israel would not countenance any concession beyond the speculative offer, particularly after contemplating the effects of compensation payments on the material conditions of the country.

Added to the political difficulties were unresolved technical problems. Although the CCP had carried on technical studies of the compensation problem for a number of years, by the end of 1957 questions of evaluation, property identification, methods of payment, means of raising funds and, above all, Israel's tenuous economic situation, dimmed possibilities of an early settlement.

Early in its work the CCP concluded that measures to integrate the refugees into the economic life of the region would facilitate a settlement. On this assumption plans were carried forward for large-scale development projects which it was hoped would absorb many of the refugees in the Arab states, thereby removing one cause of Arab-Israel tensions. In 1949 the Clapp Mission attacked the problem. It made use of the tools of modern economics, agriculture, and the physical sciences in an attempt to devise plans for Arab resettlement based upon population distribution,

dunums of cultivable land, potential irrigable areas, and the like. But it was soon found that such tangible factors as lack of irrigable *dunums* per person, or Israel's precarious economic position were not the largest obstacles to settlement. Social, political and subtle psychological elements eluded the patent, logical solution of the regional planners.

In the Arab nationalist mind and among many refugee leaders, acceptance of large-scale development plans to resettle the former Palestinians in the Arab world, was tantamount to acknowledgment of Israel's victory and forfeiture of refugee rights to their homes, property, and former political status. Pressures of elements supporting this view prevented any Arab government from making long-term commitments or cooperating effectively in an economic approach to the problem.

Although many engineering plans were scrupulously worked out for regional development, there was little planning in human terms. The blueprints for utilizing the region's resources to the best advantage of all concerned took little cognizance of the existing social and political realities. Archaic systems of land tenure and distribution, concentration of wealth in a few hands, the centrifugal force of tribal and clan organization, lack of national and regional unity, and the impact of xenophobic nationalism were not considered in the estimates of time and effort which would be required to integrate the refugees into the regional economy.

By 1957 major signs of progress toward a solution were woefully lacking. Only on two minor issues had there been any accomplishment. They were the release of about £P four million frozen in Arab refugee accounts in Israeli banks, and the reunion of some 30,000 Arab refugees with their families in Israel.

The CCP characterization of the release as a significant contribution to a political solution of the Palestine problem and as an important measure in alleviating refugee economic distress was hardly supported by the results of the action. Of the more than three quarters of a million refugees, approximately 6,000 had blocked accounts, and of those a mere 1,200 had deposits of £500 or over. Release of the four million pounds caused hardly a ripple in the economic life of the refugee masses.

The fundamental difference in Arab and Israeli conceptions of the blocked accounts issue largely negated any positive political effect which may have resulted from Israel's move. The Arabs asserted that the total amount belonged by right to the refugees and had been unlawfully withheld. From their point of view the

release was not a conciliatory gesture, but a long overdue debt, realized only as a result of the pressure brought about by the successful court actions in Jordan against the British banks. The Israelis considered that even a partial release of the frozen funds was a major concession worthy of some consideration by the Arab states, particularly in view of the country's precarious economic conditions and the hostility of its neighbors. At several points throughout the six years of negotiations leading to the last release, the clash between Israel and Arab interpretation caused intensification of hostility rather than a lessening of friction. The greatest beneficiary of the release of blocked accounts was Barclay's Bank which at last was removed from the danger of legal action by the Arab states.

The relatively small number of Arabs who returned to Israel, under the CCP-backed scheme to reunite broken families, lessened the total refugee burden of the Arab states by a little more than one year's natural increase in refugee population. Although the scheme was welcomed by Israel's Arab minority, its modest proportions hardly did more than whet the Israeli Arab community's appetite for a more extensive and meaningful reunion plan.

These two measures were not carried out without bitter partisan wrangling among Israel's political parties. The extreme nationalists, as usual, warned of the dire consequences to national security. And even the more moderate elements, which generally supported the government's foreign policy, attacked the release of blocked accounts as a concession which produced no sign of recognition by the Arab states. Difficulties encountered in making even these small steps toward peace portended an arduous path to a conclusive settlement.

In the ten years after the Arab flight, the United Nations had used most of the formal and informal methods at its disposal in attempts to end the refugee dilemma. Negotiation, inquiry, mediation and conciliation had been tried. The problem had been attacked on a wide front in an attempt to link it with the broad issues of the Arab-Israel conflict. A functional approach—breaking the problem into specific issues such as compensation and blocked accounts—had been sought. Endeavors were made and were still underway to treat the problem in the context of regional economic development. By 1957 none of these approaches had succeeded in lessening perceptibly the tensions growing out of the refugee situation.

A quick remedy for international ills cannot work in the Mid-

dle East. In that area there can be no facile solutions of problems so enmeshed in a complex of emotionally sensitive issues. The use of a large plan, a fresh approach, or a new face cannot break the impasse, nor can forceful diplomacy ameliorate the situation. Although hostilities have been brought to a halt, peace cannot be declared or ordered at a conference table while the prerequisite political and social conditions of peace have not yet developed. There is no clear-cut formula for concocting these conditions. Their emergence depends upon the assistance received from the Western powers over a long period of time and the degree to which constructive social change is encouraged. This assistance can be beneficial only if it takes accurate soundings of the political and social realities of the area. Otherwise the damage it may produce will sabotage constructive efforts to bring peace and security. The recent Soviet willingness to use Arab nationalism in its struggle with the West now looms a larger factor than ever.

Time as a healing element is the most important factor in coping with the psychological disturbances created by the Palestine conflict. That element affects, in a particularly paradoxical way, all matters concerned with the Israel-Arab conflict. In Israel time is regulated by a speedy metronome. The greater the amount of time which elapses there, the more numerous are the complexities caused by the rapid changes in that dynamic society which is an effervescent state of flux. On the other hand, passage of time is a necessary therapeutic element in the Arab world. Until a stable social and political foundation has evolved, there can be no feasible solution for problems like that of the refugees. The fundamental enigma of the refugee problem is how to use a policy of gradualism soon enough to prevent the Palestine issue from becoming once again a point of major international conflict.

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