

CHAPTER IX

THE JEWISH CLAIM IN REGARD TO JERUSALEM

153. The Royal Commission's proposals relating to Jerusalem have been severely criticized by Jews of all parties on the ground that they involve the permanent separation of Jerusalem from the Jewish State, and very strong representations have been made for the inclusion of part, at least, of the city within that state. The grounds on which this claim is based are set forth in the following extract from a memorandum we received from a Jewish source—

There can be no question as to the necessity for entrusting the Holy Places of Jerusalem to the custody of the Mandatory Power as an international trustee. Those Holy Places, however, are concentrated within the Old City and the need of a special regime for that part of the town cannot justify the exclusion of the whole of Jerusalem from the Jewish State. It has been truly said that Jewish Palestine without Jerusalem would be a body without a soul. Jerusalem has throughout the ages been the spiritual centre of the Jews, dispersed as they were over the face of the earth. . . . It is a symbol of Jewish national life and practically synonymous in the minds of Jews with Palestine. Throughout the ages, Jews have persisted, in spite of all obstacles, in attempting to re-establish themselves in Jerusalem. In this latest phase of the Return to Zion, Jews have built the greater part of the new Jerusalem outside the city walls. This area outside the walls has a Jewish population of over 70,000, forming an almost compact unit: it includes the central Jewish National and religious institutions—the Jewish Agency and Zionist Organisation, the General Council of Palestine Jews, the Chief Rabbinate, the Hebrew University and the National Library and various foundations established by Jewish communities throughout the world. The separation of this Jerusalem from the Jewish State is an injustice to both. Apart from the special significance of Jerusalem, spiritual and political, the loss thereby entailed to the Jewish State in terms of population, economic position and taxable capacity would be irreparable.

154. The city of Jerusalem within the present municipal boundaries falls into three sections—

- (a) the Old City,
- (b) the predominantly Jewish area, and
- (c) the area inhabited chiefly by Moslems and Christians.

155. The Old City is situated within the city walls. In A.D. 135 Jerusalem was destroyed by the Romans and its site ploughed up. Only a few vestiges of ancient Jewish buildings remain: the walled City as it now stands is the work of the Roman Empire, the Crusaders, and the Moslems.

156. The predominantly Jewish area, commonly referred to as the new Jewish Jerusalem, lies north-west of the Old City and on both sides of the main road leading to the Maritime Plain. The population of this new Jewish Jerusalem is about 72,000 persons, of whom 69,000 are Jews.

157. The area inhabited chiefly by Moslems and Christians lies north and south of the Old City and also forms a belt between the new Jewish Jerusalem and the Old City. The combined population of this area and the Old City is about 53,000 persons, of whom 24,500 are Moslems, 21,500 Christians, and 7,000 Jews. Of the Christians, 6,000 are neither Arabs nor belong to kindred races.

158. Outside the municipal limits the more important Jewish suburbs are—

(a) the area which lies west of the new Jewish Jerusalem and along the road from the city to Ein Karim ;

(b) the Hebrew University area on the east of the city ;

(c) the suburbs of Meqor Haiyim and Ramat Rahel to the south of the city.

The Jewish population in these suburbs is about 3,000 persons.

159. On the part of the Jews it has been suggested that the new Jewish Jerusalem, together with the western suburbs and an extension curving round the Hebrew University, should be included in the Jewish State. This area is shown on map 11. The population within this area is approximately 74,500 persons of whom 71,000 are Jews. It has been further proposed that the Jewish area at Jerusalem should be connected with the Jewish State in the Maritime Plain south of Jaffa by a corridor. This corridor is shown on map 7. The population of the corridor is predominantly Arab with a very small number of Jews.

160. The area proposed to be included in the Jewish State lies close to the Old City on the north and west and (though this is not brought out in map 11) is situated on rather higher ground than the Old City itself. It also borders on the Moslem cemetery at Mamilla, and includes within its boundaries a certain number of Christian churches, hospitals and schools, a monastery, an orphanage, and the British War Cemetery. Finally, it includes a part of the main road from Jerusalem to the Maritime Plain, and a further section of this road, nearly as far as Latrun, lies in the proposed Jewish corridor.

161. It is clear that the partition of the city of Jerusalem, involving, as it does, the setting up of an inter-state boundary through the centre of the city, would give rise to administrative problems of great complexity. In the succeeding paragraphs we examine these problems at some length, and reach the conclusion that, although the difficulties are formidable, they are not altogether insuperable, and might not in themselves be a bar to the inclusion of a part of Jerusalem in the Jewish State, provided that reliance could be placed on the mutual goodwill and co-operation of the two adjoining communities. Unfortunately, past experience does not justify us in taking a hopeful view on this point ; and in reaching our final conclusion, therefore, we shall be unable to assume that these difficulties will be solved. But we have not been tempted to

attach undue weight to this argument, since, as will appear, we are forced to regard the political and religious objections to the Jewish claim as in themselves insuperable.

162. Turning to the administrative problems, we deal first with that arising out of the maintenance of law and order. An inter-state boundary which cuts through the centre of a city must inevitably create difficulties in regard to police administration. In this connection, it has been suggested that if provision were made by which a member of the police force of either Administration was entitled, when "in hot pursuit" of an offender, to chase and arrest the fugitive on the territory of the other, and if extradition proceedings were made as simple as possible, the problems arising out of police administration would be satisfactorily solved. We agree with this suggestion so far as it goes, but the problem of the maintenance of law and order on a boundary running through Jerusalem could not be solved completely by arrangements relating to the hot pursuit of offenders and by the simplification of extradition proceedings. To our mind, the chief problem would be the prevention of breaches of the peace along the boundary between a population which, on one side, would be composed almost entirely of Jews, and on the other, very largely of Arabs. As we shall point out later in this chapter, the inclusion of part of Jerusalem in the Jewish State would be deeply resented by the Moslems. In such circumstances the maintenance of peace along a boundary running through the city and suburbs—along streets and across properties in private ownership—would be a most difficult task. Indeed the problem created by the setting up of such a boundary would be practically the same as that created by the contiguity of Jaffa and Tel Aviv (*vide* chapter V) and we are of opinion that it would have to be solved in the same manner, that is, by the construction along the boundary of a road with a railing down the middle. The construction of such a road through the centre of the city of Jerusalem would present much greater difficulties and would be a more disturbing and expensive operation than that proposed for Jaffa—Tel Aviv.

163. In paragraph 295 of chapter XIV we recommend that, in order to interfere as little as possible with the freedom of movement between the Jewish and Arab States on the one hand and the Mandated Territories on the other, persons residing in those states should be free, subject only to the requirements of law and order, to enter the Mandated Territories for short or casual visits but should not be allowed to reside habitually therein without the permission of the Government. Under such a system a boundary running through the centre of the city would not, from the point of view of immigration, cause any administrative difficulty to the Mandatory. It is doubtful, however, whether the Jewish State would find it possible to adopt a regime as liberal as we propose, for presumably it would desire to exercise control over persons entering the Jewish

area in search of employment even of a casual nature. If such should be the case, a boundary running through the city along streets and across properties in private ownership would inevitably give rise to administrative difficulties, for it would be a boundary the crossing of which the Jewish State would find it extremely difficult to control.

164. Again a customs cordon would be impossible on a boundary running through the centre of Jerusalem. It has been suggested that this difficulty would be overcome if the whole of Jerusalem, that is both the portion in the Jewish State and that in the Mandated area, were treated as a single unit for customs purposes. This would necessitate agreement between the two Administrations that the customs duties in this portion of the Jewish State should be the same as those in the whole Mandated territory. But there would still remain the question of determining the allocation between the respective Administrations of the customs duties collected on the boundaries. But none of these particular difficulties would arise if our proposals in chapter XXII with regard to customs should be adopted.

165. Another set of administrative problems arises out of the fact that the water supply and drainage schemes have been designed and constructed as a single unit. The source of the water supply for Jerusalem is situated at Ras-el-Ain in the Maritime Plain, about 60 kilometres (38 miles) from Jerusalem, whence water is pumped to an overhead reservoir at Romema, about 800 metres (2,500 ft.) above sea-level, within the proposed Jewish area. From this overhead reservoir it is distributed by gravitation to the consumer. The works at Ras-el-Ain, the pumping stations and the pipe-line between Ras-el-Ain and Romema, and the overhead reservoir belong to the Palestine Administration, which is responsible for the supply of water to the reservoir at Romema. The distribution system, on the other hand, belongs to the municipality, and the latter body is responsible for the distribution of the water to the consumer. The financial arrangements are that the Government charge the municipality for water supplied at Romema, and the municipality charges the consumer for the water he uses. It is important to note that the pipes by which the water passes from Romema to the proposed Mandated area pass, and indeed must pass, through the proposed Jewish area. As regards the drainage system, the position, generally speaking, is that the drainage from that portion of the present municipal area which it is proposed should be included in the Jewish State, discharges through the drains in the Mandated area and the outfall is situated in this area. We do not suggest that the existence of these joint systems would create any insuperable administrative difficulty. Given goodwill and a desire for co-operation, agreements could be entered into for the working and maintenance of the joint systems. But, unfortunately, goodwill and co-operation cannot be assured, and the existence of these joint

systems would provide a fruitful ground for misunderstanding and friction between the Jewish municipality on the one hand and the predominantly Arab municipality on the other.

166. We now turn to the political and religious objections to the proposal. As we have already said, the administrative difficulties, although weighty and serious, are, given goodwill, not insuperable, and in themselves might not be a bar to the inclusion of part of Jerusalem in the Jewish State. The political and religious objections are, however, of a much more serious character and are, in our view, fatal to the proposal that any part of Jerusalem should be included in the Jewish State.

167. Jerusalem is sacred not only to the Jews but also to the Moslems and the Christians. Within the Old City is situated the Haram-esh-Sherif, an Islamic place of great sanctity and one which is reckoned next to the sacred cities of Mecca and Medina as an object of veneration to Moslems. Within the area of the Haram-esh-Sherif are the Dome of the Rock and the Mosque of Aqsa. The former is said to be the spot from which the Prophet Mahommed ascended to Heaven. Within the same area is also situated the place where, according to tradition, Mahommed's horse, Baruk, was stabled when the Prophet made his celestial journey from the Rock. The Haram area and the buildings on it have been in Moslem ownership for many centuries and are regarded as among the most treasured possessions of the Moslem world.

168. Although on this point we have not had the opportunity of hearing the views of representative Moslems, we have been assured by persons well qualified to express an opinion that Moslems throughout the world would be most vehemently opposed to the inclusion of any part of Jerusalem in the Jewish State, that they would regard the establishment of a Jewish State overlooking the Moslem Holy Places as the first step towards the ultimate absorption of the Old City by the Jews, and that a decision to include part of Jerusalem with the Jewish State would inevitably lead to disorders of the most serious kind.

169. We are aware that the Zionist organizations have, on several occasions, denied that it is the intention of the Jewish people to menace the inviolability of the Moslem Holy Places, and leading Jewish representatives assured us that there could be no question that it was necessary to entrust the Holy Places of Jerusalem to the custody of the Mandatory Power as an international trustee. But this does not prove that the view expressed in the preceding paragraph as regards the Arab attitude towards the proposal to include part of Jerusalem in the Jewish State is incorrect. In spite of all the denials issued by the Jews, the Arabs still believe that the Jews have designs on the Old City, and the Jewish claim for the inclusion of the new Jewish Jerusalem in the proposed Jewish State tends to

confirm them in that belief. Indeed, one leading representative of Orthodox Jewry informed us that in his view the Old City, with the exception of the Haram-esh-Sherif, should forthwith be included in the Jewish State, while another made the proposal that the Old City with the exception of the Christian and Moslem sacred places should form part of the Jewish State. And in this connection it should be remembered that the Wailing Wall, the last remaining vestige of the ancient Jewish Temple, forms part of the western boundary of the Haram-esh-Sherif, and that Jewry believes that, when the true Messiah comes, a Jewish Temple will once again be built on the ancient site.

170. We ourselves are convinced that Moslems would resent most deeply the setting up of a Jewish State in close proximity to the Old City, and that they would regard such a State as the spear-head of a Jewish attack on the Old City itself. The consequences would be most serious. Feelings between Arabs and Jews would be still further inflamed and the maintenance of order between Arab and Jew in, and in the neighbourhood of, Jerusalem would become one of the most difficult of tasks. The presence of a Jewish area under Jewish rule in close proximity to the Old City would constitute a continuing incitement to breaches of the peace.

171. To anyone who is disposed to think that this conclusion is based on exaggerated fears, we recommend a careful study of the detailed narrative of the events leading up to the outbreak in Jerusalem on the 23rd August, 1928, as given in chapter III of the Report of the Shaw Commission (Cmd. 3530), together with the following comment by that body, quoted from chapter IV, page 73 of their Report—

On the other hand, the Mufti or any educated Moslem might—genuinely and not without reason—have feared that, if at some future time the Jews became politically dominant in Palestine, they would not be content to leave the old Temple Area in Moslem ownership. No declaration by the Zionist Organization could remove such a fear; the declared Zionist policy of non-interference with the Moslem Holy Places by no means commands, even to-day, the support of all Jews, many of whom as individuals desire to see the Temple of Jehovah rebuilt on its old site. Chief Rabbi Kook in his evidence before us expressed such a desire, but said that the event would not take place until the coming of the Messiah. Nor could the fear, if such be felt, be removed by the argument that Great Britain, as the greatest Moslem power in the world, would never permit interference with the Moslem Holy Places; the Arabs might well contend that the position of Great Britain in Palestine is by no means necessarily more permanent than has been the rule of other great Empires over Jerusalem in the past.

This comment, though related to the possibility of Jewish political dominance as a result of the continuation of the Mandate, is still, in our opinion, applicable to the situation which would arise if, as a result of partition, a Jewish State were to be set up in such close proximity to the Old City.

172. But it is not only Moslem opinion which is to be considered in this matter. Jerusalem is also sacred to the Christian faith, and not only the Old City, within which stands the Church of the Holy Sepulchre itself and the Way of the Cross, but also many places in the surrounding area, such as the Mount of Olives and the Sanctuary of the Ascension, the Garden of Gethsemane, Bethlehem and the Church of the Nativity, the village of Bethany, the road to Emmaus, all places hallowed to the Christian by the most precious associations. It may be that many Christians, especially in this country, sympathize with the passionate longing of the Jews for Jerusalem and would be willing to see at least that part of the city which includes the modern suburb and the Hebrew University incorporated in the Jewish State, if that could be done by agreement and with goodwill. But we are convinced that the dominant desire of the whole body of Christians would be to preserve the peace of Jerusalem and to safeguard the Holy City from any change which threatened to provoke hatred and bloodshed within its walls or in their neighbourhood. With this in mind, we believe that Christian opinion throughout the world, realising that such a step would provoke resentment and disorder, would be deeply grieved by a proposal to entrust a part of the city precincts to the control of the Jewish community.

173. There is one other matter to which reference should be made. In a previous paragraph we have pointed out that the main road from Jerusalem to the Maritime Plain passes through the proposed Jewish area in Jerusalem and that a further portion of this road is situated in the proposed Jewish Corridor. But this is not all. The main road which runs north from Jerusalem to Ramallah and Nablus passes for a distance through the strip of land which it is proposed should be included in the Jewish State in order to place the Hebrew University in that State. In our view the inclusion of these main roads in the proposed Jewish State constitutes an important objection to the proposal that the new Jewish Jerusalem should be incorporated in the Jewish State. Moslems and Christians approaching the mandated Jerusalem and the Holy Places therein from the west and north would be required to pass through Jewish territory. Such an arrangement would inevitably give rise to incidents leading to disturbances of the peace. Again, if the main roads leading to Jerusalem pass through Jewish territory the Mandatory Power would be seriously handicapped in carrying out the trust of ensuring "free and safe access" to the Holy Places for all the world.

174. We do not wish to be thought insufficiently appreciative of the profound significance of Jerusalem to Jewry. We have received exhaustive and eloquent evidence of the intensity of the devotion felt by Jews to the city throughout their history and of the unique position which it has occupied in their spiritual and political thought. We recognize, moreover, that modern Jerusalem

as the headquarters of the directing agencies of Jewish activity in Palestine is the centre of Jewish political and cultural life in the country to-day and that its exclusion from the Jewish State will deprive that state of a considerable population and a substantial source of revenue. After very earnest consideration of all the issues involved, however, we have no hesitation in concluding that, apart from the practical difficulties to which reference has been made, the religious and political objections to the Jewish claim must be held to be decisive. We feel convinced that the unique character of Jerusalem as the object of the affection and veneration of the adherents of three of the great religions of mankind must be recognized by its retention in trust for the world under Mandatory Government. We therefore recommend that, as proposed by the Royal Commission, the entire city should be included in the Enclave for the Holy Places at Jerusalem and Bethlehem and that no portion should be included in the Jewish State. Having reached this conclusion it is not necessary for us to consider further the proposed Jewish Corridor. If no portion of Jerusalem is included in the Jewish State there is no justification for such a corridor.

CHAPTER XII

JEWISH PROPOSALS FOR THE JEWISH STATE (APART FROM JERUSALEM)

236. Before reaching our conclusions on plans A, B, and C as set out in the previous chapters, we had before us certain proposals made by the Jews for the modification of plan A and gave them our careful consideration. We have already dealt in chapter IX with the Jewish proposals relating to Jerusalem. In this chapter we deal with the remainder. It will be seen from map 7 and the description in the following paragraphs that some of these proposals are inconsistent with plan C: there is not, however, the same inconsistency with plan B. In any case we think it desirable to examine these proposals in detail.

237. On behalf of the Jews it has been urged that the plan outlined by the Royal Commission is open to the objection that the area of the Jewish State is too small. The following is an extract from a memorandum submitted to us by them—

The possibilities of new agricultural settlement in this area (the Jewish State) are extremely limited. The major part of it is occupied by Arabs. The Royal Commission in assigning this territory to the Jewish State definitely envisaged the transfer of the bulk of that Arab population, if need be by compulsory means, as far as the plains are concerned. If, as would appear from the terms of the Secretary of State's despatch, the idea of compulsory transfer has now been abandoned, it is essential that it should be realized that the area in the Jewish State available for future Jewish settlement, limited as it is in any case, has suffered a very considerable further reduction. The narrow margin of land which may still be available for new Jewish settlement, must be considered in relation to the imperative need (a) of providing room in Palestine for large numbers of Jews who are facing ruin in Eastern and Central Europe, (b) of creating a broad agricultural base for the Jewish population of the State, and (c) comprising within its borders a population large enough to serve as a home market for its industries.

238. In order to increase the size of its territory it has been suggested that the following areas should be included in the Jewish State as outlined by the Royal Commission (plan A)—

(i) an additional area in the Gaza sub-district (under plan A only a small portion of the Gaza sub-district would be included in the Jewish State);

(ii) a part of the Beersheba sub-district;

(iii) the southern portion of the Beisan Plain;

(iv) an area on the eastern side of the River Jordan lying between the Yarmuk River on the north and a line opposite the southern edge of the Beisan Plain on the south, and bounded on the east by a line drawn in the hills overlooking the Jordan Valley. (This area is situated in Trans-Jordan.)

For convenience of reference these areas are hereafter referred to as areas (i), (ii), (iii), and (iv) respectively.

AREA (i)

239. The figures for the population and land are—

POPULATION					<i>Arabs.</i>	<i>Jews.</i>	<i>Total.</i>
					24,300	Nil	24,300
LAND (IN DUNUMS)					<i>Arabs.</i>	<i>Jews.</i>	<i>Total.</i>
Citrus land	..	..	..	..	7,000	200	7,200
Other cultivable land	..	..	..	..	397,400	3,100	400,500
Uncultivable land	..	..	..	..	55,800	—	55,800
Total land*	..	..	..	..	460,200	3,300	463,500

This area is predominantly Arab. The population (over 24,000) is entirely Arab, while the land is held almost entirely by Arabs, the Jewish land forming less than one per cent. of the total. This area could not, therefore, be included in the Jewish State without a violation of the charge in our terms of reference to include the fewest possible Arabs and Arab enterprises in that state. For this reason we are of opinion that it should not be assigned to the Jewish State.

AREA (ii)

240. If area (i) cannot be included in the Jewish State, neither can area (ii), for the latter would then form a small island of Jewish territory entirely detached from the Jewish State. Under plan C this area is retained under Mandate and provision is made for Jewish settlement therein, if sufficient land should be available after the reasonable needs of the existing population have been met.

AREA (iii)

241. This comprises the southern part of the Beisan Plain with an area of about 92,000 dunums, of which, by the middle of the present year (1938), the Jews had acquired about 17,000 dunums.

* Excluding roads, railways, rivers and lakes.

The population consists of about 7,000 Arabs and about 200 Jews. It is an area which is capable of development. It contains a large number of springs, the water of which is at present not being used economically, and, as was explained in chapter VIII, the more economical use of this water would enable a somewhat larger area to be brought under irrigation. When we were examining plan B we gave considerable thought to the question whether this area should be included in the Jewish State. Our conclusion was that it should not, for the following reasons, be assigned to that State. First, it is undesirable that the town of Beisan, which is an entirely Arab town with over 3,000 inhabitants and a centre of Arab nationalism, should be included in the Jewish State. Secondly, as we have explained in chapter VIII, the amount of land available for the resettlement of Arabs wishing to transfer from the Jewish to the Arab State is very small, and this fact makes it desirable that this area should be retained in the Arab State in order to provide holdings to which, when developed, Arabs might transfer from the Jewish State. In so far as this object is fulfilled, Jewish settlement in the Jewish State is facilitated.

AREA (iv)

242. The proposal relating to this area involves the extension of the Jewish State across the River Jordan so as to include within its boundaries a part of Trans-Jordan. We have decided against this proposal because—apart from the doubt whether the Government of Trans-Jordan would agree to the transfer to the Jewish State of this part of their territory—the military authorities have advised us that, in order to obtain a suitable defensive boundary for this area, it would be necessary to draw that boundary a very considerable distance inside the Trans-Jordan hills. This would mean the inclusion in the Jewish State, in addition to the sparsely populated lands in the valley, of a large number of villages in the hill country of Trans-Jordan, a country inhabited entirely by Arabs.

243. The Royal Commission recommended that the boundary between the Arab and Jewish States should cross the Carmel Ridge in the neighbourhood of the Megiddo road, and the boundary we have adopted under plans A and B, in accordance with the advice of the military authorities, runs just to the north of this road, the road itself being situated in the Arab State. It has been suggested on the part of the Jews that the boundary should be drawn south of this road, so as to include not only the road in the Jewish State but also the high points in the vicinity and to the east of the village of Umm Al Fahm. The reasons urged in support of this suggestion are, first, that the road is an essential line of communication between the Plain of Esdraelon and the Maritime Plain, both of which are situated in the Jewish State under plan B, and secondly, that from the point of view of defence it is necessary to include within that state

the hills in the vicinity of Umm Al Fahm. We have not been able to accept this suggestion. The Megiddo road, that is the road running through the Musmus Pass to Hadera, although it is an important line of communication, is not the only road across the Carmel Ridge between the Plain of Esdraelon and the Maritime Plain. There is another road about 13 kilometres (about 8 miles) to the north which leaves the Plain of Esdraelon a short distance north of the Jewish settlement of Yokneam and crosses the ridge by way of the Jewish Colonies of Bat Shelomo and Zikhron Ya'aqov. This road provides a good means of communication between the Plain of Esdraelon and the Maritime Plain. The country south of the Megiddo road is entirely Arab, and the adoption of a boundary which would include in the Jewish State the hills in the vicinity of Umm Al Fahm would not only mean the inclusion in that state of a considerable area of Arab land in the hills, but also the southern portion of the Plain of Esdraelon, an almost entirely Arab area. The Arab population which would be included in the Jewish State would be large. The village of Umm Al Fahm itself has a population of about 4,700, and the total Arab population affected would be between 10,000 and 15,000 persons. Moreover, we have been advised by the military authorities that the inclusion of the high ground round Umm Al Fahm is not essential for the defence of the Jewish State, and that a boundary drawn along the northern side of the Megiddo road gives the Jewish State a reasonably good defensive boundary.

244. It has also been proposed that the Jerusalem Enclave should be extended to the south so as to include the town of Hebron, 29 kilometres (18 miles) south of Jerusalem. For the Jews Hebron possesses great historical associations: it contains the burial place of the Patriarchs and was the first capital of King David. Hebron is, however, an important Arab town with a population of 20,000 persons. There was a small Jewish population there before the disturbances of 1929, but the survivors have since been compelled to leave the town. To include Hebron in mandated territory would mean the extension of the enclave boundary southward by 14 kilometres (9 miles) and would deprive the Arab State not only of an important town but also of a considerable rural population. We feel that we should not be justified in proposing such a large addition to the enclave in order to include therein the Jewish sacred places at Hebron. Arrangements will be necessary for the protection of places sacred to the Jews in the Arab State and vice-versa, and the Jewish sacred places at Hebron will be covered by these arrangements.

245. It has also been suggested that the following areas should be retained under Mandate—

(a) the area, including Jericho, lying between the eastern boundary of the Jerusalem Enclave and the River Jordan;

(b) a strip of territory along the western shore of the Dead Sea ;

(c) the southern part of the Beersheba sub-district.

Under plan C the whole of the Beersheba sub-district, with the exception of a small part on the west, will be retained under Mandate. This includes not only the area covered by (c) but also a part of (b). As regards (a) and the rest of (b), we have not found it possible to accept the suggestion that they should be retained under Mandate, which would mean the severance of the Arab area south of the Jerusalem Enclave from that north of it.

The effect of plan C will be that the works of the Palestine Potash Company at the northern end of the Dead Sea will be situated in the Arab State and those at the southern end in Mandated territory. It has been represented to us that the whole of the works should be included in Mandated territory, one of the arguments used being the need of preserving the right of pre-emption in time of war of the products of the company under their concession, which the Mandatory Power now possesses by virtue of that concession. Under our proposals the benefit of this right will fall to be apportioned among the successor Administrations. We should not feel justified in recommending that the company's northern works should be included in Mandated territory on this ground, but we invite the attention of His Majesty's Government to the point in case it should be desired to make provision in the treaty with the Arab State for the right to pre-empt the company's products in time of war.
