

ABSTRACT

In the present study , The researcher investigated " Land Property " in Palestine from 1918 through 1948 . Studies on this thesis were almost rare . Moreover , land is considered to be a base for Arab - Zionist conflict .

At the very beginning , the researcher tackled the question of land property in Palestine in the second half of the nineteenth century In. 1858 , the Ottoman Land Law was issued . The Land law enumerated Five classe of land: mulk , miri , waqf , mawat , and matruka . However , this law did not achieve its ultimate goal in maintaining the state control on lands due to the fact that many of the fellaheen did not register their lands .

In 1922 , The Council of the League of Nations approved the British mandate on Palestine. This paved the way for Jews to implement Balfour Declaration in establishing the Jewish National Home . The Mandate Government, represented by the first High Commissioner Sir Herbert Samuel followed various procedures to apply the Mandate policy as well as to implemeent Balfour Declaration . Thus , new land laws were issued in addition to the amendment of the land laws that were followed in the Ottoman era .

The Mandate Government imposed various types of taxis which created an unbearable economical status on Palestinians especially on the rank of fellaheen . According to Crosbi'e report , these taxis constituted 30% - 40% of the total income of the fellah . Consequently , the fellaheen were oppressed by the burden of debts as a result of the accumulation of compound interest , which hampers any attempt at progressive agriculture. At a final stage ,many of the fellaheen were forced to abandon their lands .

In an attempt to emphasize the Zionist control on the economical resources in Palestine , the British Mandate Government gave the Jews the most important economical concessions , namely , (i) Ruthenberg concession for the generation of electrical energy , the (ii) cconcession of Palestine Potash Company, and (ii) the concession for the Drainage of Lake Huleh . Throughout these concessions , Jews were able to control power and mineral

resources in Palestine in addition to their control of vast areas on Al - Huleh lands as well .

In spite of all of the abovementioned facilities for Jews and inspite of the active role of Jewish establishments and companies , Jews were not able to own but a little percentage of Lands . This percentage , as stated by the statistics of the Mandate Government and Jewish Agency , did not exceed 6% of Palestinian lands .

One of the major obstacles that faced the Mandate Government was to carry out two contrastive responsibilities : (i) the protection of the native people , and (ii) the establishment of the Jewish National Home . This fact was verified by Investigation Committes that came into Palestine , particularly , the shaw Committe : 1929 , Simpson Committee : 1931 and Bill Committee : 1937 . To maintain the ballance between these two responsibilities , the Mandate Government issued the White Paper in 1939 . In terms of this Paper , Land Transfer Regulations of the year 1940 were set forth in order to regulate the land transfer from Arabs to Jews in Palestine . However , these regulations were cancelled by the Anglo American Committee in 1946 .