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 implement 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 taxes which created an unbearable economical status on Palestinians especially on the rank of fellaheen. According to Crosbi'e report, these taxes 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) concession 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 Committees that came into Palestine, particularly, the shaw Committee: 1929, Simpson Committee: 1931 and Bill Committee: 1937. To maintain the balance 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 regularize the land transfer from Arabs to Jews in Palestine. However, these regulations were cancelled by the Anglo American Committee in 1946.