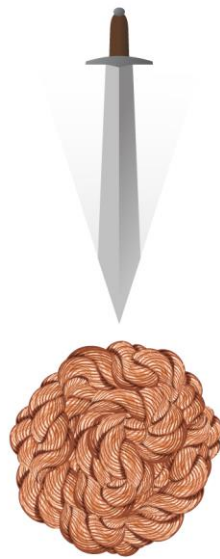


Untying the Gordian knot

*US policy towards Israel regarding Palestinian
property rights from 1947 to 1953*

Beate Wienpahl-Jensen



Master's Thesis in History
Department of Archeology, Conservation and History
(IAKH)

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Abstract

In the period from 1947 to 1953, United States policy towards Israel related to the Palestinian property rights was not supportive nor significantly critical. The Israeli government dispossessed the Palestinians and took over their land while the US sought stability in the region and only vaguely protested the expropriation.

President Harry S. Truman and his Israel-friendly advisers in the White House retracted from any politics that required the US to sanction Israel. Because it lacked support from the White House, the US State Department had to retreat from plans that forced Israel to repatriate the Palestinians and return their properties.

The United States policy turned from favoring repatriation of the Palestinians to admitting to the solution of resettlement and compensation. Thereafter it left the problem to the United Nation, instead contributing aid money to the refugees.

This thesis examines the path US policy on Palestinian property rights took during these six years and the reasons for the outcome.

Preface

When I started this project two years ago, I am glad I didn't know how much work it was going to be. Being a full time student and working full time has occupied days and nights. The experience has been exiting, scary, frustrating and new. Writing this thesis has also showed me that only we ourselves limit that of which we are capable.

I would not have been able to do this without help and direction from my supervisor, Professor Hilde Henriksen Waage. She has guided me, strictly but kindly through the whole project. I have often been frustrated over my lack of understanding of the problems, but also experienced joy and happiness when following "Hilde recipe" has made things work. Thanks to her patience, and her taking the time to help me, the outcome of my thesis has become what it is.

I would also like to thank all my fellow students at Hilde's master seminars for the helpful commentary on my chapters. My dear Jan Husby has been my mentor on this project. He has corrected my writing when needed, inspired me, pushed me, and consoled me, and most of all never given up on me – thank you. I would like to thank August Ringvold, who connected me with people who helped me with my research when I was in Jerusalem, and Dr. Mahdi F. Abdul Hadi, head of PASSIA, who so warmly welcomed me to interview him and gave me new perspectives on this thesis. I would like to thank the staff at the Israel State Archives who helped me in my research and Marte Heian-Engdal for helping me on what to do with lost information in notes from ISA. My gratitude goes to the talented Nora Husby who designed my thesis's front page. Finally, many thanks to my children Christine and Henriette, friends and everyone else who have had understanding for the sacrifices I have had to make in order to complete this thesis.

Beate Wienpahl-Jensen

Oslo, November 5, 2014

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1 Introduction

There is a myth about King Gordius of Phrygia who tied an intricate knot that no one was able to untie until Alexander the Great, also unable to untie the knot, cut it open with his sword.¹ President Harry S. Truman cut the Gordian knot when he in 1947 approved the Partition Plan, thinking it would solve the problem with the European Jews, who had survived Holocaust, *and* the Palestinian conflict.² This made the local conflict between the Palestinians and the Jews an international issue. “America’s position on partition represents the earliest and most complete formulation of official U.S. policy on the Palestinian-Israeli conflict.”³ United States’ support of a new nation in a foreign land far away from Washington must have been for a reason. What kind of reasons would the US government have even to consider putting its hand in a wasp nest like the conflict in Palestine? What was US policy towards Israel concerning Palestinian property rights?⁴

US policy towards the Palestinian refugees “began as an endorsement of the right of displaced Palestinians to return to their homes or to receive compensation or resettlement.”⁵ It turned out differently. The policy distracted from its original objective to safeguard the refugees’ right to return or receive compensation. Why? What happened in the period from 1947 to 1953 that made the Truman administration give up its original policy supporting the Palestinians’ right to return?

The UN General Assembly appointed an eleven-nation Special Committee on Palestine (UNSCOP) on May 13, 1947. The committee had the mandate to find a solution to the

¹ Gordian knot: used as a metaphor for an intractable problem, (disentangling an “impossible” knot) solved easily by cheating or “thinking outside the box”. <http://www.crystalinks.com/gordianknot.html> access date: October 2, 2014

² Donald Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, (Washington D.C: Institute for Palestine Studies, 1995), 2

³ *Ibid*, 3

⁴ Definition of Palestinians, Arabs, Jews and Israelis in this thesis: Before 1948 there were Jews and after there were Israelis. The Arabs that lived in Palestine before 1948 are called Palestinians, the refugees that fled their homes and properties are also called Palestinians.

⁵ Donald Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, (Washington D.C: Institute for Palestine Studies, 1995), 4

situation for the Jews in Europe, and to the escalating conflict in Palestine.⁶ UNSCOP's majority favored the partition plan, and on November 19, 1947, it forwarded the proposal to an Ad-Hoc Committee that voted over this plan.⁷ All together 38 nations voted on partition and 17 abstained from voting. There were 13 nations that opposed the plan. The 25 nations that voted for the partition, was one vote short of the necessary two-thirds majority. The Israel lobby and its friends in the White House exerted massive pressure on all non-Muslim states in the UN to make sure the next vote in the committee would be in the favor of the partition. Ten days later The General Assembly approved the plan.⁸

The Partition Resolution (UN Resolution 181, November 29, 1947) stated that “after the termination of the British mandate in Palestine, there should be two separated and independent Arab and Jewish states and an international regime for the City of Jerusalem.”⁹ Up to the time of the Partition Plan, Palestine had existed as a community supported by international law as set out in the Mandate. This law obligated the mandated power to work for self-existence and self-determination for the peoples living in Palestine.¹⁰ Instead of recognizing the Palestinians as a majority in Palestine, the international society recognized the Palestinians as *non-Jewish* communities using the Zionists' argument that Palestine was “a land without people, whose civil and political rights may not prejudice the establishment of the Jewish national home.”¹¹

The newly founded United Nations was eager to demonstrate to the world that they could solve international conflicts and save the world from wars like the recent World War II. The

⁶ Kathleen Christison. *Perceptions of Palestine: Their influence on U.S. Middle East policy*. (California: University of California Press, 2001), 77

⁷ A/364, 3 September 1947, Official records of the second session of the General Assembly, Supplement No. 11, United Nation Special Committee On Palestine, report to the General Assembly, <http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/07175de9fa2de563852568d3006e10f3?OpenDocument>, access date July 15, 2014

⁸ Hilde Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 1 (Kristiansand: Cappelen Damm Akademisk, 2013), 105

⁹ Ilan Pappé, *The Ethnic Cleansing of Palestine*: (Oxford: Oneworld Publication Limited, 2006), 31, <http://unispal.un.org/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>

¹⁰ Sandford R. Silverburg, *Palestine and International Law: Essays on Politics and Economics*, (North Carolina: McFarland and Company. Inc. Publisher, 2002), 1

¹¹ *Ibid*, 253

League of Nations, the UN's predecessor, left the antagonistic situation in Palestine to become the United Nations decisive test case. The clashes between the British and the Jews in Palestine became more frequent and more violent, and the unrest in Palestine increased in a great part due to the large Jewish immigration.¹²

The proclamation of the new Jewish state of Israel on May 14, 1948, changed all prospects for the Middle East. At that time, the internal fighting between the Jews and the Palestinians had gone on for a quite some time in the form of a civil war. The Palestinians, who could leave, left the country. In particular, a number of Palestinians from Haifa, Jaffa, Jerusalem, and the villages around Jerusalem left at an early stage.¹³ They had the means to leave, but their aim was to come back when the hostility had calmed down. They did not know that most of them would never see their homes again. In addition to the exodus of the upper and middle classes, the British, who had held the mandate for Palestine since 1920, had announced to the United Nations General Assembly that they would terminate the mandate and withdraw on May 15, 1948.¹⁴

The same day the surrounding Arab states attacked Israel, and one month later, the Israeli government closed the borders and decided that no refugee should return before the war was over.¹⁵ A consequence of the Arab-Israel war was that three-quarters of a million Palestinians became refugees. At the same time, Jews from Europe and the Middle East immigrated to or sought refuge in Israel. With this influx, Israel secured a demographic majority of Jews in the country. Between 1948 and 1953 alone, 350 of the 370 new Jewish settlements were created on lands confiscated under the Absentees' Property Law of 1950. The abandoned land of the dispossessed refugees was transformed into Israeli state land, and the Palestinians lost everything.¹⁶

¹² Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 96

¹³ Benny Morris, *The Birth of the Palestinian Refugee Problem*, (Cambridge: Cambridge University Press, 1987), 30

¹⁴ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 97

¹⁵ *Ibid*, 137

¹⁶ Michael Lynk, *The Right to Restitution and Compensation in International Law and Displaced Palestinians* <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21294/19965>

The process of dispossession was a clear violation of UN resolutions based on international law protecting property rights. Such laws include the *Haag Convention IV, 1907* “respecting the Laws and Customs of War on Land”.¹⁷ *Article 49 of the Geneva Convention, 1949* states that “individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive”.¹⁸ *UN Resolution 194, December 11, 1948*, was the result of UN Mediator Folke Bernadotte’s proposal. Bernadotte, who was assassinated on September 17, 1948, by Israeli terrorists, stated “the refugees who wanted to return to their homes and live in peace with their neighbors should be allowed to do so as soon as possible. The resolution also stated that Israel had to pay a certain compensation for those refugees who decided not to return”.¹⁹

The resolutions mention above did not deter the expropriations of the Palestinian properties. The UN established a commission, the Palestine Conciliation Commission (PCC), mandated to find a solution to the outstanding questions and help the refugees who wanted to return to their homes in Palestine.²⁰ In an attempt to conciliate the belligerents, the PCC held a peace conference in Lausanne, Switzerland from April to September 1949. It was a total failure. The PCC then recognized that the only solution to the refugee problem was a strong and direct pressure on Israel from the United States.²¹

The Palestinian problem posed moral, political and strategic dilemmas for Harry S. Truman, US President from 1945 to 1953. Morally, Truman believed in the biblical version of the Jews’ inherent right to return to Palestine, but the political and strategic issues were not that straightforward.²² By backing the Partition resolution US may had to send troops to Palestine

¹⁷ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907. <http://www.icrc.org/ihl/intro/195?OpenDocument> access date: November 7, 2012

¹⁸ Ibid

¹⁹ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 143

²⁰ Ibid, 143

²¹ Ibid, 147

²² McCullough, David, *Truman*, (New York: Simon&Schuster, 1992), 58

and that would also be the case for the USSR. Truman could give the US's new Cold-War rival, the Soviet Union, an entrée to the Middle East. This again could put at risk US commercial interests and access to Arab oil. By *not* supporting the UN resolution, the US would undermine UN influence in a critical early stage of its existence.²³ By favoring a Jewish statehood, Truman could provoke an Arab military action. By not supporting the Zionists and the Israel lobby in the United States, who had a great saying in the 1948 presidential election, he could endanger his own political future.²⁴

Israel had to consider restitution or compensation for the Palestinian refugees, knowing that this would be linked to the question of repatriation or resettlement. The Absentee Property Law would legalize the Israeli government's expropriation of the Palestinians' land. By hindering the Palestinians in returning to their land, physically and by use of newly established laws, Israel was able to confiscate their properties. In order to obtain a genuine Jewish state, resettlement of the refugees in the Arab neighboring states was the only solution for the Israeli government. The Americans protested vaguely. In order to honor UN Resolution 194, compensation ought to be paid for the land that had belonged to the refugees.²⁵

1.1 Theoretical perspectives: The United States decision-making process on foreign policy between 1947 and 1953

President Truman and his beliefs and decisions were central to the political arena described in this thesis. Truman used his powers to overrule the US State Department, which in turn was frustrated because of Truman's unwillingness to listen to advices on foreign policy.²⁶ The Israel lobby in the United States had significant influence and was heavily involved in US policymaking toward Israel and the 1948 presidential election. Also a majority of the American population supported the idea of a Jewish state in Palestine. The Palestinian

²³ Ilan Pappé, *The Ethnic Cleansing of Palestine*, 31

²⁴ *Ibid*, 31

²⁵ Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, (New York: Columbia University Press, 2003), 363

²⁶ Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 28

refugees became a political tool for the belligerents in the Arab-Israel conflict and Truman had to deal with it.

After World War II, the United States emerged as a superpower, turning from isolationism to political involvement in international politics. The task to lead these profound political changes fell on President Truman. He was to “adjust to events at home and abroad, which dramatically changed the nature of American government, society and diplomacy.”²⁷ Truman was a president with ambitions. He took office when Franklin D. Roosevelt died on April 12, 1945 and later ran for office, winning the presidential election in 1948.²⁸

United States foreign policy took a sharp turn. The beginning of the Cold War made it quite clear that the world had changed. The looming communism created an anti-Soviet consensus in United States. The “technology had made the world a smaller place; geography was no longer adequate defense. In sum, these attitudes constituted a dramatic redefinition of America security.”²⁹ In the eyes of the US, this included the entire Western world, and Israel became an American outpost in the Middle East.

The tug of war between the White House and the State Department started as soon as Truman took office. The President had from the start an issue with the “Striped Pants Boys” as he called the career bureaucrats in the State Department.³⁰ Even Secretary of State from 1947 to 1949, George Marshall who was a man Truman truly admired, had conflicts with Truman.³¹

The Israel lobby in United States had always been strong, and now it tried to influence Truman to recognize and commit to give his support for a genuine Jewish state in Palestine.

²⁷Mark. S Byrnes, *The Truman Years*, (London: Person Education Limited, 2000), 4

²⁸ Byrnes, *The Truman Years*, 60

²⁹ Ibid, 14

³⁰ Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 28

³¹ Ibid, 64

The State Department saw the danger in the lobby influencing Truman to pursue a policy in the Middle East that would “divert U.S foreign policy from what it should actually pursue.”³²

A good example on how the line of power worked was a meeting that took place on May 12, 1948 in the White House. The President wanted to consult with the State Department and his personal advisers about the recognition of the new Jewish state. Present at the meeting was Marshall and Under Secretary of State Robert Lovett. Representing the White House was David K. Niles, administrative assistant, who was the “behind-the-scene liaison between the White House and Zionists.”³³ Presidential counselor Clark Clifford also attended the meeting. He was “close to the Zionist community, and his advise to Truman on Palestine usually reflected its view and opposed those of the State Department.”³⁴ These men did not agree. Clifford spoke for the Zionist cause and said that it was necessary for the US to recognize the Jewish State before the Soviet Union did. The State Department accused Clifford of making an obvious attempt to win the Jewish votes in the 1948 presidential election and pointed out that the issue was not about domestic, but international policy. Marshall went as far as telling Truman that he would not vote for the President if he took Clifford’s advice. President Truman “terminated the interview by saying that he was fully aware of the difficulties and dangers in the situation to say nothing of the political risks involved which he, himself, would run.”³⁵ Clifford’s initial wish was to have the President make an early announcement recognizing Israel even before the Jews proclaimed the new state, but Truman abstained from this.³⁶

The example illustrates that the White House advisers, who spoke the Zionist language and supported their cause, influenced Truman, but that he made his own decisions based on what he believed was right. Truman truly believed that he did what was in the best interest of the

³² Review by Andrew Preston, John. J Mearsheimer and Stephen M. Walt, *The Power of Ethnic Groups in the Making of American Foreign Policy* (New York: Farrar, Straus and Giroux, 2007) (Harvard) <http://h-diplo.org/roundtables/PDF/IsraelLobby-Roundtable.pdf> access date: September 23, 2014

³³ Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 29

³⁴ *Ibid*, 29

³⁵ Memorandum of Conversation, by Secretary of State, Washington, May 12, 1948, Foreign Relations of the United States hereafter (*FRUS*) 1948, 972-976

³⁶ Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 64

United States.³⁷ Affected by public opinion and eager to show his potential as President, he was not going to let the State Department dominated him.³⁸ He more than once diverted from political strategies or withdrew from plans. This had negative consequences for US foreign relations and policies. Washington had its own agenda, and Truman had a shifting mind and it was not easy for State Department to exert its foreign policy.³⁹

1.2 The US and the Middle East in the literature

Students of Middle East history often find that there are conflicting historical narratives from different perspectives on this topic. When covering the United States and the Middle East in the period from 1947 to 1953, there is a large set of articles and other literature from which to choose. The Middle East conflict engages and provokes, and historians as well as policymakers from all over the world have produced detailed research and documentation.

The larger part of the literature for my thesis concerns the Israeli-American relationship but also includes literature concerning the detailed handling of the Palestinian refugee question. In Benny Morris', *The Birth of the Palestinian Refugee Problem*, (1987), *The Birth of the Palestinian Refugee Problem Revisited 2*, (2004) and *1948 and After: Israel and the Palestinians* (1990) Morris describes in detail the dispossession of the Palestinians. Also Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, (2003) goes more into specific detail than others.⁴⁰ Fishbach focuses on compensation for the refugees and the efforts made by UN subcommittees and the US. Peter Grose, *Israel in the mind of America* (1984), Donald Neff, *Fallen Pillars: U.S. Policy towards Palestine and Israel since 1945* (2002) and Peter L. Hahn, *Caught in The Middle East: U.S. Policy toward the Arab- Israel Conflict, 1945-1961* (2004) all describe the US' relationship

³⁷ Byrnes, *The Truman Years*, 59

³⁸ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 220

³⁹ Peter Grose, *Israel In the Mind of America*, (New York: Schocken Books, 1984), 185

⁴⁰ Morris, *The Birth of the Palestinian Refugee Problem* and Benny Morris, *1948 And Israel And The Palestinians*, (New York: Oxford University Press, 1990) and Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*

with Israel and American involvement in the Arab-Israel conflict.⁴¹ Hilde Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten* (2013) is a comprehensive study on how the Palestinian-Israeli conflict and the superpowers' involvement in it affected the entire Middle East region.⁴²

The biography of President Harry S. Truman has been intriguing to read. He was president in America in a turbulent time. The geostrategic was changing and the United States was involved in almost all its aspects. David McCullough, *Truman* (1992) gives a complete story of the 33rd President and an insight into Truman's decision-making processes on the Middle East and how he was pulled in different directions by influential lobbyists, the State Department and his own beliefs.⁴³ Yezid Sayigh and Avi Shlaim, *The Cold War and the Middle East*, (1997) has addressed the impact of the Cold War in the Middle East on three levels: regional, domestic and international.⁴⁴ United States' policy toward Israel was influenced by the Cold War and the rivalry of allies in the Middle East.

This study is an empirical research based on primary and secondary sources. The chapters are thematically divided, each focusing on different relevant aspects of my thesis. Each chapter is again structured chronologically from 1947 to 1953 except for chapter four, which is divided thematically using examples to emphasis problems.

1.3 Primary Sources

I have collected primary sources from two different places: One is the Nobel Institute in Oslo, where I studied the Foreign Relations of the United States (*FRUS*) documents. It is the official historical documents on major foreign policy and diplomatic events. These documents are also available online. The other is the Israel State Archives (ISA), which in the 1980ies made

⁴¹ Grose, *Israel In the Mind of America*, Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, Peter L. Hahn, *Caught In The Middle East, U.S. Policy Towards the Arab-Israeli Conflict, 1945-1961* (Chapel Hill: The University of North Carolina Press, 2004)

⁴² Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*

⁴³ David McCullough, *Truman*, (New York: Simon & Schuster, 1992), 99

⁴⁴ Yezid Sayigh, Avi Shlaim, *The Cold War and the Middle East*, 2003 (New York: Oxford University Press, 1997), 5

its documents available to the public. My search in the *Documents on the Foreign Policy of Israel*, which is a collection of state records and diplomatic documents starting just before the establishment of Israel, have been on Israeli correspondence with the US State Department and the UN between 1947 and 1953.

The *FRUS* documents that I have looked into cover the period from 1947 to 1953 and are mostly memorandums of conversations or written letters. The documents describe the US State Department's involvement in the refugee problem, Israel's establishment, and the United Nations' attempts to resolve the compensation question. The documents also reveal the US diplomacy with the Arab states.

The foreign policy documents that I found in Israel consist mostly of correspondence between the Israel Department of Foreign Affairs, the US State Department, the Refugee Office of the Palestine Conciliation Commission, and other UN agencies. This correspondence shows the Israeli way of relating to the criticism received from the UN regarding Palestinian refugees. In the archives, there were also letters written to American politicians by Palestinians living in the USA, who requested compensation for lost properties. Documents I found revealed Israel's political stands related to compensation and its own counter claim for compensation. Searching in my primary sources shed light on what took place in US political corridors concerning the Palestinian refugees' properties and on Israel government's political strategy for safeguarding the new Jewish state in Palestine.

2 US Politics Toward Israel

The years 1947 to 1953 showed a tremendous shift in US politics. The American politicians had to establish new patterns concerning domestic as well as world politics. Harry S. Truman presided over both the creation of the postwar world and postwar America, and for the relatively fresh politician from Missouri this was a challenge.⁴⁵ In this period, American politics would turn from isolationism to become a world superpower. It could not have been a more shifting time to be faced with the responsibility of an American presidency.

After the end of World War II and Franklin D. Roosevelt's death on April 12, 1945, Truman had to face the collapse of Germany and the successful testing of the atomic bomb, which could end the war in Asia. The use of nuclear devices in combat would also change the world and be of great importance to the new upcoming war: the Cold War. Middle Eastern policy became a legacy more complicated than he had ever thought. The President and the US State Department would differ in their opinions on most issues concerning the Middle East. The State Department saw the danger in US sponsorship of Israel; it would probably cause hostility from the rest of the Arab world. However, the officials in the State Department recognized the considerable Jewish influence on President Truman, which eventually resulted in a shift in US policy concerning Palestine and Israel.

To understand US politics toward Israel from 1947 to 1953, four different aspects have to be explained. The first is the Zionists in the US and the Israel lobby. Second, it is President Harry S. Truman as he played a significant role for the new Israel and overruled the third aspect, the State Department, on the Palestine land and refugee issues. Finally, it is the Cold War and Israel, who would become a Cold-War ally of the USA and by that justify the request for not only security but also arms and economic aid.⁴⁶

⁴⁵ Byrnes, *The Truman Years*, 1

⁴⁶ Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 98

2.1 The Zionists in the United States

Truman's Biblical belief would influence his decisions concerning the new Jewish state, Israel. He truly believed that the Jews had a religious right to return to Palestine and establish a Jewish national homeland. The Israel lobbyist also influenced Truman on this matter. The Americans and the Jews have had a special relationship since the start of the New World. They had been in harmony and disharmony, emotionally and politically.

An illustration of this goes all the way back to 1814, when Presbyterian Pastor John McDonald of Albany, NY, had a vision of a special role for America in the Jewish destiny. In his study of the Old Testament, he read and interpreted Isaiah's Chapter 18.⁴⁷ Isaiah presaged the restoration of the Jews to their own land and the ensuing redemption of all mankind. For McDonald the text, especially the first verse of Isaiah, which in its poetry mentions "the land shadowing with wings", had a special meaning. Was it not so that the land under the outstretched wings of the mighty eagle was the newly adopted sign of the United States of America? McDonald declared in his sermons that by the end of the days, the Jews should be returned to the land of Zion - and that it fell to the Christian America to lead the nations to "send their sons and employ their substance in his heaven-planned expedition", as Isaiah's chapter 18 says.⁴⁸ McDonald's sermon won a wide audience and Isaiah's Chapter 18 became a call to faith and to action. The seed was sown, and the theological symbol became a political plan until the day of decision 134 years later.

⁴⁷ Woe to the land shadowing with wings, which *is* beyond the rivers of Ethiopia: That sendeth ambassadors by the sea, even in vessels of bulrushes upon the waters, *saying*, Go, ye swift messengers, to a nation scattered and peeled, to a people terrible from their beginning hitherto; a nation meted out and trodden down, whose land the rivers have spoiled! All ye inhabitants of the world, and dwellers on the earth, see ye, when he lifteth up an ensign on the mountains; and when he bloweth a trumpet, hear ye. For so the LORD said unto me, I will take my rest, and I will consider in my dwelling place like a clear heat upon herbs, *and* like a cloud of dew in the heat of harvest. For afore the harvest, when the bud is perfect, and the sour grape is ripening in the flower, he shall both cut off the sprigs with pruning hooks, and take away *and* cut down the branches. They shall be left together unto the fowls of the mountains, and to the beasts of the earth: and the fowls shall summer upon them, and all the beasts of the earth shall winter upon them. In that time shall the present be brought unto the LORD of hosts of a people scattered and peeled, and from a people terrible from their beginning hitherto; a nation meted out and trodden under foot, whose land the rivers have spoiled, to the place of the name of the LORD of hosts, the mount Zion. <http://www.kingjamesbibleonline.org/isaiah-18-1/> access date January 2, 2013

⁴⁸ Grose, *Israel In the Mind of America*, 9

Another American evangelist named William Eugene Blackstone continued the path to the preparation for the second coming of Christ by the return of the Jews to the Holy Land. In 1878, he published the work *Jesus Is Coming*, which sold over a million copies, and was translated into 48 languages, including Hebrew.⁴⁹ Blackstone was a businessman and his self-earned wealth gave him the opportunity to throw himself into his lifelong avocation, namely the preparation for the second coming of Christ. Blackstone also recognized the problem with the social pressures of Russian Jewry crowding into the United States, so he devised his plan. It was called the Blackstone Memorial and was a religious Christian document, which was remarkable for its time in 1891, when no one had heard about *political* Zionism.

Basically the Blackstone Memorial proposed a solution that would solve the immigration problem of the Russian Jews to the society of America and at the same time support a religious theory of the second coming of Christ, all this by just giving Palestine to the Jews. Blackstone justified his memorial, by asking: “Is Palestine ours to give? Well, the Treaty of Berlin in 1878 gave the Turkish provinces of Bulgaria to the Bulgarians and Serbia to the Serbians – does not Palestine as rightfully belong to the Jews?”⁵⁰ Blackstone also stated, “[n]o expulsion of the present inhabitants of the land was contemplated.”⁵¹ He meant that the new Jewish state would be founded only on public lands ceded by the Turkish state, just as Bulgaria and Serbia had been. As he saw it, no one could accuse the United States for seeking imperial aggrandizement in Palestine. “Her efforts for Israel would be recognized as entirely unselfish and purely philanthropic.”⁵²

For Blackstone himself, it was a religious mission. In fact, Theodor Herzl, who is considered the founder of political Zionism, annoyed him. Herzl’s book called *Der Judenstaat* (1896) did not see the religious purpose of designating Palestine to be the chosen land for the chosen

⁴⁹ Grose, *Israel In the Mind of America*, 35

⁵⁰ Article I. Bulgaria is constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan. It will have a Christian government and a national militia. Article XXXIV. The High Contracting Parties recognize the independence of the Principality of Serbia, subject to the conditions set forth in the following Article.

<http://www.fordham.edu/halsall/mod/1878berlin.asp> access date: January 13, 2013

⁵¹ Grose, *Israel In the Mind of America*, 36

⁵² *Ibid*, 37

people. In Herzl's early writings, it did not matter if the Jewish state was established in Palestine, Uganda or Argentina.⁵³ Blackstone handed his petition to President Benjamin Harrison on March 5, 1891, and the President promised to give it careful consideration. Nothing came out of the Blackstone Memorial. The lesson to be learned for future Zionists from the Blackstone Memorial was that even grand public statements needed to be supplemented with discreet political pressure; otherwise, they would have no or little effect. Even referring to Biblical evidence that the return of the Jews was meant to be, did not persuade President Harrison. However, the Biblical script was to influence a later president. Harry S. Truman was a man who had read the Bible carefully, especially the story about Cyrus, who permitted the return of the Jews from Babylon to build the Second Commonwealth in Jerusalem.⁵⁴

In the early part of the 20th century, the Jewish immigration to America increased because of the many pogroms in Eastern Europe.⁵⁵ Something had to be done to the situation with the new Jewish immigration. In 1906, the American Jewish Committee (AJC) was established by high class prominent American Jews, who saw themselves first as Americans, then as Jews. The American Jews' identity became an issue that would divide the American Jewry: What was the concept of the Jewish identity? Was Zionism a quest for a Jewish national home or a religious matter? The political Zionism, which called for a Jewish nationality, became a threat for the process of Americanization of Jewish immigrants.⁵⁶

The one to put American Zionism on the agenda of the public opinion was Louis Dembitz Brandeis. Brandeisian Zionism stood for the enrichment of Jewish life in America as well in Palestine. "Zionism [was] a great social experiment, representing [...] in Jewish life what progressivism [did] in general American life."⁵⁷ As a leader for the American Provisional Executive Committee for General Zionist Affairs in 1914, Brandeis managed to raise millions

⁵³ Grose, *Israel In the Mind of America*, 37

⁵⁴ McCullough, *Truman*, 58, The Bible: Ezra 1:1-4, 7, 8; 3:7; 4:3.

⁵⁵ A *pogrom* is a violent massacre or persecution of an ethnic or religious group, particularly one aimed at Jews. The term, a Yiddish variation on a Russian word meaning "thunder", originally entered the English language to describe 19th and 20th-century attacks on Jews in the Russian Empire and the Crystal night in 1938 Germany.

⁵⁶ Grose, *Israel In the Mind of America*, 43

⁵⁷ *Ibid*, 56

of dollars to relieve Jewish suffering in war-torn Europe, and from that time on, USA became the financial center for world Zionism. He also proclaimed that being an appointment to the Supreme Court presented no conflict between Zionism and loyalty to America. Some people thought differently. After receiving criticism for being active in a political and social manner, and at the same time a sitting Justice of the Supreme Court, in 1916 Brandeis resigned his official position as a Zionist leader. But he was still the leader in control until 1921.⁵⁸

Brandeis did not sever his relations with Zionism. "In fact, for the next five years he exercised *de facto* leadership in the movement, while Stephen Wise and Julian Mack occupied the formal positions."⁵⁹ Brandeis, having no official standing on the matter but instead discussing a human and philanthropic issue and since he also was a good friend of President Woodrow Wilson, his back-channel diplomacy was most effective. Kathleen Christison (*Perceptions of Palestine*) states: "Wilson's friendship with Brandeis was probably what most heavily influenced him to give active support to [the] Zionist goal."⁶⁰ This was also the case when in November 1917 the Balfour Declaration, which promised British support for the establishment in Palestine of a Jewish national home, was issued. President Wilson gave his support.

Balfour Declaration: Foreign Office, November 2nd, 1917: Dear Lord Rothschild, I have much pleasure in conveying to you. On behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet. His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country. I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours,

Arthur James Balfour.⁶¹

The Jewish contributions to the building of a Jewish national home in Palestine were privately and politically inspired. From 1920 to the outbreak of World War II, more American capital and more American citizens were concentrated in Palestine than all other Arab Middle East

⁵⁸ Grose, *Israel In the Mind of America*, 43

⁵⁹ Melvin I. Urofsky. *American Zionism From Herzl to the Holocaust*. (New York: Anchor Press/Doubleday, 1975), 388

⁶⁰ Kathleen Christison. *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*. (California: University of California press, 2001), 28

⁶¹ <http://www.jewishvirtuallibrary.org/jsource/History/balfour.html>

combined. With the crash of Wall Street in 1929, which led to an economic depression, even more Jews immigrated to Palestine.⁶²

After Franklin D. Roosevelt became president, American domestic policy and the development of the “New Deal” program became an important task for the intellectual Jews in America. The social idealism and the need for new economic and political forms had replaced some of the enthusiasm for the Zionist cause.⁶³ The largest Jewish organization at this time, the American Jewish Committee, (AJC) representing 1.5 million American Jews, was opposing Zionism. Many of them believed that rescuing European Jews from war and persecution was more important than the issue of statehood in Palestine.

In opposition to these moderate Zionists, a Rabbi named Abba Hillel Silver and his group won the support of a Zionist convention held at the Biltmore Hotel in New York in May 1942. Silver and David Ben-Gurion, who was the head of the Jewish Agency and the leader of the Palestinian’s Jewish community, presented the Biltmore program. Later Ben-Gurion was to become Israel’s first Prime Minister and Defense Minister. For the first time, Zionism in America had taken a unified position for the establishment of a Jewish state. In 1943, Silver formed the American Zionist Emergency Council, the purpose of which was to organize “an aggressive grass-roots campaign to win congressional and popular support for the Zionist cause.”⁶⁴ By 1944, the Zionist lobby had wholeheartedly convinced both the Democratic and the Republican Party to call for an opening of Palestine to an unrestricted Jewish immigration. At the end of the World War II, the thought of a foundation of a Jewish national home in Palestine had been accepted both socially and politically in the US. The Americans surly believed that the Jews had a right to their own country. The Holocaust and the killings of six million Jews had made a great impression. The Zionist story was so romantic and so exciting that to most Americans it simply seemed right.⁶⁵ Just after Israel’s creation, an Israel-centered

⁶² Grose, *Israel In the Mind of America*, 100

⁶³ *Ibid*, 116

⁶⁴ Christison, *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*, 52

⁶⁵*Ibid*, 76

mindset became so embedded in the US, thinking that Israel became essentially a part of “being” of the United States.⁶⁶

2.2 President Harry Truman

When Harry Truman came into office (US President from 1945 to 1953), he was mostly concerned about domestic politics and eager to continue the legacy of Franklin D Roosevelt’s New Deal welfare policy. But instead, he had to adjust to events at home and abroad, which changed the nature of American government, society and diplomacy. Truman had not been elected in his own right, but took office after Roosevelt’s death on April 12, 1945. Truman did not come from a moneyed patrician class, but was a common man from Missouri in the Midwest. He hated being told what to do, knew the characters in the Bible by hart, and was ambitious by nature. But he was never torn by ambition, never tried to appear as something he was not. He stood for common sense, and brought common sense to the American people. “He held to the old guidelines: Work hard, do your best, speak the truth, assume no airs, trust in God, have no fear.”⁶⁷ Some thought of him as a reflection of the rapidly changing twentieth-century America: insecure, cocky and paranoid, and fumbling and stumbling in his efforts to understand how rapidly the world was changing.⁶⁸

Henry A. Wallace, who was Vice-President from 1941-1945 and Secretary of Commerce from 1945-46, once said: “I suspect there has never been a president that could move two different directions with less time intervening than Truman. He feels completely sincere and earnest at all time and is not disturbed in the slightest by the different direction in which his mind can go almost simultaneously.”⁶⁹ Wallace was not a fan of Truman. He became the leader of the left-wing democrats, split with the party in 1948, and ran for president on the Progressive Party ticket.

⁶⁶ Christison, *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*, 82

⁶⁷ McCullough, *Truman*, 991

⁶⁸ Byrnes, *The Truman Years*, 3

⁶⁹ Grose, *Israel In the Mind of America*, 185

He opposed the Truman Doctrine, which was “the President’s declaration to Congress that it must be the policy of the United States to resist aggression or internal subversion against free nations,” in other words the American declaration of the Cold War.⁷⁰

Truman’s qualities have made him a disputable historical man and president. He had to decide whether to use the atomic bomb. He was praised for the signature of the United Nations Charter in 1945, for the Truman Doctrine in 1947, the Marshall plan in 1947 (the European Recovery Program), the Berlin Airlift from June 1948 to May 1949, the recognition of Israel in 1948 and the North Atlantic Treaty Organization (NATO) in 1949.⁷¹ He was criticized for more controversial decisions: committing American armed forces in Korea in 1950, bypassing Congress and making it his own decision, not America’s and for “upholding the principle of civilian control over the military” by negotiating peace with China and firing General Douglas MacArthur, commander of American forces in Asia, after MacArthur publicly opposed Truman.⁷²

Truman’s decision to recognize the state of Israel in May 1948 has also been criticized. The new Jewish state of Israel was declared at midnight May 14, 1948 in Jerusalem, 6:00 p.m. in Washington. Eleven minutes later the White House announced *de facto* recognition. This was the same year of the US presidential election, and Truman’s campaign strategy included holding on to the votes of African Americans, Jews, and ethnic Catholics. The Jewish votes were the key for winning New York, and the Palestine issue was important to the Jewish voters. Still, his State Department advisers told Truman “that the issue should be approached on basis of reaching decisions based upon intrinsic merit rather than political expediency.”⁷³

It has been argued that Truman’s decision to recognize the American Civil Rights Movement and the state of Israel was a calculated decision to be re-elected as a president. Dean Acheson, who succeeded George Marshall as US Secretary of State in 1949 concluded in his memoirs

⁷⁰ http://www.trumanlibrary.org/whistlestop/study_collections/un/large/index.php access date April 2, 2013

⁷¹ Ibid

⁷² Byrnes, *The Truman Years*, 88

⁷³ Ibid, 120

that this was not true. Acheson observes that “Truman held deep-seated convictions on many subjects, and this was one such case.”⁷⁴ To support this theory one can consider the cost of the American Civil Rights proposal. It was unpopular with the Democrats in the South, and what Truman would gain of ethnic black voters he could easily lose of ethnic whites. Still, he told his sister Mary Jane Truman in confidence that he believed what he said.⁷⁵ No matter what Truman’s purpose was in recognizing the new Jewish State, it was a symbolic and an important act from the US. While Truman’s own experts on foreign affairs considered much of his performance as a “sorry spectacle of mismanagement – a comic opera performance”, his Middle East policy was approved by most Americans, and was called a “wise decision and a heartening one.”⁷⁶

2.3 The State Department

America had since 1832 had an official representative in Jerusalem, and the first full-time consul was Warder Cresson. He was appointed in 1844, but the first serious and influential consul of the 19th century was Selah Merrill, who did not agree with the Blackstone Memorial. He reported to the Department of State in 1891 that, “Palestine is not ready for the Jews, and the Jews are not ready for Palestine.”⁷⁷ Moreover, in the view of the State Department, Palestine was a foreign country where the US had no control, and there was already an indigenous population living there surpassing the Jews in numbers. As an additional consideration, the US State Department did not want to create problems with the Ottoman Empire.⁷⁸

The US State Department and its secretary Robert Lansing was not informed about President Wilson’s decision to support the Balfour Declaration in November 1917 until December 14. Since the Palestine was a British mandate, the Zionist movement inside Britain, with Chaim Weizmann as spokesman, was seeking approval for a Jewish national home in Palestine from

⁷⁴ Byrnes, *The Truman Years*, 59

⁷⁵ *Ibid*, 59

⁷⁶ McCullough, *Truman*, 619

⁷⁷ Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 9

⁷⁸ *Ibid*, 9

the British government. Weizmann would later become Israel's first president. The British wanted President Woodrow Wilson to support the idea before it became official. When he finally did in November 1917, the fateful statement that was to be known as the Balfour Declaration was issued and became a fact.⁷⁹ Lansing, not even agreeing on the idea of a Jewish national home in Palestine, and also being side-stepped by the President before he gave his support to the declaration, wrote a letter to the President that expressed his feelings about the matter.⁸⁰ President Wilson answered Lansing that he had had the impression that the State Department agreed to the returning of the Palestine to the Jews. On September 21, 1922, the US Congress passed a resolution that echoed the Balfour Declaration. It was named the Lodge-Fish resolution.⁸¹

President Harry S. Truman and the State Department did not manage to work together when it came to the Middle Eastern either. After Israel won the Arab-Israel war in 1948, it became clear that Israel had no intention of giving up any of its conquests. The US State Department insisted that the original borders laid out in the Partition plan should be re-established or modified by mutual exchange of land. The Partition resolution (UN Resolution 181 from 29 of November 1947) stated that after the termination of the British mandate in Palestine, there should be two separated and independent Arab and Jewish states and an international regime for the City of Jerusalem.⁸² But the new Prime and Defense minister of Israel, David Ben-Gurion, had already at the state's founding in 1948 explained to his political partners that "if the UN does not come into account [...] and they [the Arab States] make war against us and we defeat them [...] why should we bind ourselves?"⁸³

From the start, the State Department saw the danger in Truman being too eager to satisfy his own domestic political ambition with the support from the Israel lobbyist. In the fall of 1948, the Palestine refugee problem had become a major concern for the department and the UN. The United Nations had misjudged the outcome of Partition resolution 181. Instead of a

⁷⁹ Balfour declaration, <http://www.jewishvirtuallibrary.org/jsource/History/balfour.html>

⁸⁰ Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 15

⁸¹ *Ibid*, 17

⁸² Pappé, *The Ethnic Cleansing of Palestine*, 31

⁸³ Neff, *Fallen Pillars: US policy Towards Palestine and Israel Since 1945*, 94

peaceful division of Palestine, three-quarters of a million Palestinians became refugees. The support for UN resolution 194, from December 11, 1948, the so-called Bernadotte plan, which called for the return of the refugees or compensation for their land, became a delicate matter for the President. Still, it was yet another election year for Truman and he needed the support from the American Jewish society. It all had to do with timing: The election date was 2 November, and to support the UN resolution 194 before this date would mean to oppose the US Zionists at a critical stage. The State Department told Truman that the US had to support the resolution and that it was important to solve the refugee and boundaries conflict. By April 1949, Truman himself was growing tired of steep Israeli attitude.⁸⁴

The US State Department emphasized the importance not to aggravate Arab distrust and maintain the charges that the “United States remains passive no matter how unreasonable the demands of Israel.”⁸⁵ Truman agreed and sent a strong message to Tel Aviv, but to the distress of diplomats and foreign offices, to no use. The UN established the Palestine Conciliation Commission, which became known as the PCC, consisting of three members France, Turkey and the US. Its purpose was to “achieve a final settlement of all questions outstanding between” Arabs and Israelis.⁸⁶ The peace conference in Lausanne, Switzerland, from April to September 1949 was also an unsuccessful effort to solve the Arab-Israeli conflict. Attending the conference, in addition to the three members of the PCC, was Israel and a united Arab delegation represented by Egypt, Lebanon, Syria and Transjordan. The Palestinians did not have their own delegate, despite it being their homes and future that were at stake.

It became clear that the Jewish-American community had more influence on the US president than the US State Department did. And the only thing the State Department could do, was to urge Truman to put a stronger pressure on Israel to conciliate or to “admit that the US and UN

⁸⁴ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 144

⁸⁵ Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 95

⁸⁶ *Ibid*, 70

are unable or unwilling to take the required measures, and therefore that US policy on boundaries and refugees can not be carried out.”⁸⁷

2.4 The Cold War question

After the Second World War, the US State Department stressed the importance of continuing a good relationship with the Arab world because of the future availability of the Middle Eastern oil. Still, the fear of driving the Zionist movement into the hands of the Soviet Union, and making the new Israeli State a forward Soviet detachment in the Middle East, was real in the eyes of the Americans. Even if the United States had the largest Jewish community in the western world after the Second World War, there were still almost three million Jews living in Eastern Europe. This happened in the starting phase of the Cold War, and the United States and the Soviet Union were competing, not only for political and strategic influence, but also for ideological influence. Even Truman was alarmed and asked Ben-Gurion to enquire whether Israel was going to become a “red state”.⁸⁸ The Soviet Union did indeed recognize this opportunity to make an influence in the Middle East and prevent Israel from becoming an imperialistic Western state. The Soviet Union therefore also endorsed the UN partition resolution and was the first to *de jure* recognize the establishment of the new Israeli state. The Soviets did also provide military support to Israel through a third party, Czechoslovakia, which probably made a great difference in the Arab-Israel war.⁸⁹

Even so, Israel pursued the Western, democratic way of living from the start. The institutions of the modern Israeli state were founded on parliamentary-democratic principles. Israel’s main focus was the security of her statehood, not the Cold War. On the contrary, Israel, as other Middle Eastern states, had focus on their immediate environments and used the Cold-War conflict to satisfy their own national interests. The superpowers were pursuing their own agendas, so why shouldn’t Israel and other Arab-states do the same? ⁹⁰ But Israel had in 1953 promised the Soviet Union not to “enter into any alliance or agreement that has aggressive aims against the Soviet Union.”⁹¹ This became an issue later in 1955, when Israel wanted a

⁸⁷ Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 97

⁸⁸ Sayigh, Shlaim, *The Cold War and the Middle East*, 159

⁸⁹ *Ibid*, 159

⁹⁰ *Ibid*, 185

⁹¹ Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 98

defense pact with the US, meaning US guarantees for its occupied territory and in return a grant for American military bases in Israel. The US response was that it could not guarantee “temporary armistice lines; it could only guarantee permanent agreed peace boundaries.”⁹² When Israeli’s request became public, Moscow accused Israel for breaking their agreement and becoming a Cold War ally to the United States. The US did not feel comfortable with the idea of the USSR supporting the Arab states and the US supporting Israel. That could jeopardize the US relationship with the Arab states. On the other hand, this was exactly what Israel wanted.⁹³

To understand the Cold-War politics in the Middle East, one has to consider the relationship between the external powers and the local powers.⁹⁴ The Palestinians role in the Middle East was for the Americans of no strategic importance as the Cold War was concerned. The US was concerned about the refugee problem but would directly approach Arab states on local issues in order to further their own global issues rather than try to solve the Palestinian problem. The Cold War was no issue for the Palestinian refugees either. Stateless and in exile after the Arab-Israeli war, foreign policy was not their major concern.

⁹² Neff, *Fallen Pillars: US Policy Towards Palestine and Israel Since 1945*, 98

⁹³ *Ibid*, 98

⁹⁴ Sayigh and Shlaim, *The Cold War and the Middle East*, 279

3 US diplomacy regarding the Palestinian refugees

There were several reasons for the tragic destiny to three quarter of a million Palestinian refugees after the 1948 war. In this diplomatic drama US diplomacy had a lot of saying in order to explain Israel's political achievements and the consequences for the Palestinians.

The partition policy was initially supported by the US and was the main cause of the Arab-Israel war. United States' recognition of the Jewish State, and Israel's admission to the United Nations with the support of the US, gave Israel confidence to assert its policy on the armistice borders and to refuse repatriation of the refugees. Moreover, US diplomacy regarding the refugee crisis was influenced by the possibility that the Soviet Union could use the situation to their advantage. Also, the White House's indulgence toward Israel and the US State Department's disagreement with the White House became a direct link to the intractable Palestinian refugee problem.⁹⁵

The ongoing negotiations for the armistice lines, conducted by the Arab states and Israel, and the refugee problem were interconnected. The United States had two leading figures in these negotiations: Ralph Bunche took over from the assassinated mediator Folke Bernadotte and continued the negotiation for an armistice. At the same time, the Palestinian Conciliation Committee (PCC), established December 11, 1948 when the UN General Assembly had passed Resolution 194, was supposed to handle "all questions outstanding" between the parties in the region.⁹⁶ The American Mark F. Ethridge led the commission. President Truman caved in under the pressure from the American Zionists, and Ethridge saw the conflicting situations that arose as a consequence of the White House's inaction toward Israel. At the end of the Lausanne conference, Paul A. Porter succeeded Ethridge. The United States was the mediator for the Arab-Israel war, but did not succeed in leading the parties to compromise, and the conflicts remained unresolved. The effort to solve the refugee problem also became a failure. Why?

⁹⁵ Marte Heian-Engdal, Jørgen Jensehaugen and Hilde Henriksen Waage, "Finishing the Enterprise: Israel's Admission to the United Nations", *The International History Review* 35:3, 480 (2013)

⁹⁶ *Ibid*, 472

3.1 US support for Partition; the cause of the refugee problem

On May 13, 1947, the UN General Assembly had appointed an eleven-nation Special Committee on Palestine (UNSCOP). This UN committee had the mandate to find a solution to the situation for the Jews in Europe, who had survived Hitler's attempt at genocide, and to the escalating conflict in Palestine.⁹⁷ UNSCOP recommended a partition plan on November 19, 1947 and forwarded the proposal to an Ad-Hoc Committee that voted on this plan.⁹⁸ Twenty-five nations voted for the partition, 13 against and 17 abstained from voting. This meant that there was one vote short for the necessary two-thirds majority. To ensure that the next vote in the committee would be in the favor of the partition, the Israel lobby and its friends in the White House exerted massive pressure on all non-Muslim states in the UN. The General Assembly approved the plan ten days later.⁹⁹

Already on October 11, Truman had ordered the American UN delegation to announce that the US supported the partition of Palestine, much to the distress of the State Department.¹⁰⁰ After the termination of the British mandate in Palestine and following approval of the Partition Plan, 56 percent of Palestine would become Jewish territory and 43 percent an independent Palestinian state. Jerusalem would become a *corpus separatum* under an international regime.¹⁰¹

In early 1948, President Truman became aware of the Palestine refugees' situation. It became clear that the question of boundaries would directly affect the refugee problem. Truman was concerned about the situation in Palestine, but he was also concerned about what would happen to the Jews, coming from a war-torn Europe and with nowhere to go. The President never saw it as the Palestinians losing their homes and land, but the Arabs having an innate

⁹⁷ Christison. *Perceptions of Palestine: Their influence on U.S. Middle East policy*, 77

⁹⁸ A/364, 3 September 1947, Official records of the second session of the General Assembly, Supplement No. 11, United Nation Special Committee On Palestine, report to the General Assembly, <http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/07175de9fa2de563852568d3006e10f3?OpenDocument>, access date July 15, 2014

⁹⁹ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 105

¹⁰⁰ Ibid, 105

¹⁰¹ Pappé, *The Ethnic Cleansing of Palestine*, 31

hatred of Jews and not recognizing the Jews' inherent right to exist in Palestine.¹⁰² As President Truman, the United Nations was concerned about the European Jewish refugees but also worried about the tense situation in Palestine.¹⁰³

The Arab Higher Committee, led by the Mufti of Jerusalem that represented Palestinians, did not accept the Partition Plan either.¹⁰⁴ For the UN, the US and the British, the Palestinians had become an obstacle to a peaceful solution to the Palestinian problem. The US State Department did not think of the partition as a good alternative for a permanent solution in Palestine but complied with the White House. The Zionist leaders accepted the plan and saw opportunities in the partition. Resolution 181 confirmed to the Zionists that there no longer would be a question of *whether* a Jewish homeland should exist, but *where* the boundaries would be. Truman at this point received 35,000 letters from American Jews concerning the partition of Palestine. He wrote to Senator Claude Pepper, "I put all in a pile and struck a match to it – I never looked at a single one of the letters because I felt the United Nations Committee was acting in a judicial capacity and should not be interfered with."¹⁰⁵ Truman was at this point so annoyed with all the demands from the Zionists that he forbade them to come to the White House. This was not the last time Truman would become furious because of Jewish unwillingness to compromise.

3.2 The State Department's campaign for making Truman turn on the partition

The year 1948 was the so-called "Silly Season" or presidential election year.¹⁰⁶ Truman, who had not been elected in his own right but taken office after Roosevelt's death on April 12, 1945, was eager to show that he could take office by his own and become the next US President. The election was scheduled for November, and Truman was a low-ranked candidate. In January, the State Department realized that the partition policy in Palestine could not be implemented without violence. A civil war had broken out in Palestine and by its

¹⁰² Christison. *Perceptions of Palestine: Their influence on U.S. Middle East policy*, 2

¹⁰³ Ibid 65

¹⁰⁴ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 39

¹⁰⁵ Candace Karp, *US Policy Towards Jerusalem and the Occupied Arab Territories 1948 and 1967*, (Jerusalem: PASSIA Publication, 2001), 44

¹⁰⁶ Michael J Cohen, *Truman and Israel* (Berkeley, CA: University of California Press, 1990), 279

support of partition, the Truman administration enabled and contributed to the unforeseen arising refugee problem. The refugees received no attention from the higher US political administration in the early winter of 1948. They were too busy “extricate itself from support of partition without seeming to.”¹⁰⁷ The question of the emerging new Jewish state also called for the top officials’ attention, and Truman had his hands full with the upcoming presidential election and his presidential campaign.¹⁰⁸

It was difficult for Truman to change his position on the partition, since he needed the support from the American Jewish community and from the regular Americans who believed in United States support for a Jewish State. The Zionists were openly thankful for Truman’s support of the partition and the establishment of a Jewish national home in Palestine. Consequently, they contributed to his campaign and obtained votes.¹⁰⁹ The State Department was furious and meant that Truman held domestic policy over Middle Eastern policy. In Palestine, the violence escalated and the number of refugees increased every day. George F. Kennan, the State Department’s Director of Policy Planning, made it clear that “the continuation of the partition policy represented disaster for the United States.”¹¹⁰

The State Department started a campaign to try to convince Truman to change his mind and suspend the partition. Truman had since the start of his presidency had an ambivalent relationship to the officials in the State Department; he called them the “Striped Pants Boys” and was never comfortable with these officials.¹¹¹ On January 19, 1948, Kennan wrote a top-secret document to Truman, where he explained why the United States should not support the partition. He told Truman that sponsoring the partition would “result in deep-seated antagonism for the U.S. in many sections of the Moslem world over a period of many

¹⁰⁷ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 56

¹⁰⁸ *Ibid*, 59

¹⁰⁹ *Ibid*, 56

¹¹⁰ *Ibid*, 56

¹¹¹ Cohen, *Truman and Israel*, 275

years.”¹¹² Kennan was particular thinking of Saudi Arabia. Since the days of former President Roosevelt, the American had developed a good working relation with King Ibn Saud. The US had contributed financially to the exploration of oil in Saudi Arabia and had military rights in the country. But because of the partition plan and the American support to it, Saudi Arabia had been under pressure from the other Arab states to break with the US.¹¹³

Another issue for the State Department was that the US could be pressured into sending troops to Palestine in order to maintain the borders defined by the partition. Obviously, the American voters would not welcome such a decision so soon after the Second World War. Kennan suspected that Truman had already promised the American Zionists too much. Therefore, instead of maintaining the borders on both sides, US troops would only protect the Jewish cause in Palestine and oppose Arab resistance.¹¹⁴

Truman had no doubts that the Jews deserved their own state, but started to doubt that the partition was the way to go. The Central Intelligence Agency (CIA) and the Defense Department both agreed to change the US’s partition policy. The Defense Department opposed sending troops to Palestine, concluding that the Soviet Union consequently also would get the opportunity to send their own troops and get access to Palestine. This was something that the Americans really feared and did not want to happen.¹¹⁵

3.3 Truman reverses his stand on the partition

Truman eventually understood that he had to reverse his stand on the partition. It was a delicate matter since Truman already had a reputation of being an inconsistent President and he did not want to reinforce this reputation. His advisers came up with a plan to convince the

¹¹² Report by the Policy Planning Staff on position of the United States With respect to Palestine, Washington, January 19, 1948, *FRUS*, 1948, vol. V, 550. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=turn&entity=FRUS.FRUS1948v05p2.p0040&id=FRUS.FRUS1948v05p2&isize=M> access date: April 22, 2014

¹¹³ Report by the Policy Planning Staff on position of the United States With respect to Palestine, Washington, January 19, 1948, *FRUS*, 1948, vol. V, 550.

¹¹⁴ Report by the Policy Planning Staff Review of Current Trends U.S. Foreign Policy, Washington, February 24, 1948, *FRUS*, 1948, vol. V, 656.

¹¹⁵ Report by the Policy Planning Staff on position of the United States With respect to Palestine, Washington, January 19, 1948, *FRUS*, 1948, vol. V, 551.

UN Security Council to bring the Palestine conflict back to the UN. Here the partition should be reconsidered and “to have the Council explore other avenues of a peaceful settlement of the problem. Specifically [USA] should endeavor to bring about conciliation or arbitration of the matter.”¹¹⁶ The US should not advocate sending armed forces into Palestine; it could not be appropriate to use military force to uphold the partition.¹¹⁷ By doing this, the US did not have to worry about sending troops. The second part was to establish some sort of UN trusteeship to step in when the British mandate was over. The presidential election was imminent, and for Truman it was important to have his back covered by not withdrawing directly his support for the partition. He therefore underlined that the adoption of a trusteeship was not the same as abandoning his stand on the partition. As soon as the bloodshed in Palestine was over, the partition could be established.¹¹⁸

On February 24, UN Ambassador Warren Austin presented the US’s first message to the UN Security Council, where it was received without comment. The American Zionists and Truman’s White House adviser, Clark Clifford, who was close to the Zionists, knew that the partition in Palestine was in danger and argued strongly for the fulfillment of the plan. Clifford wrote two memorandums to Truman. In the first one, he pointed out the Soviet Union’s advantage if a military vacuum were to occur in Palestine due to the reversed partition policy by the US. In the second memorandum, he stated that the US would “appear in the ridiculous role of trembling before threats of a few nomadic desert tribes.”¹¹⁹

On March 19, Ambassador Austin asked for a temporary UN trusteeship and a suspension of implementing partition in Palestine in view of the ongoing civil war and the resulting refugee

¹¹⁶ Memorandum by Mr. Samuel K.C. Kopper of the Office of Near Eastern and African Affairs, The Partition of Palestine and United States Security, Washington, January 27, *FRUS* 1948, vol. V, 566, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1948v05p2.p0056&id=FRUS.FRUS1948v05p2&isize=M> access date: April 22, 2014

¹¹⁷ *Ibid*, 566

¹¹⁸ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 59

¹¹⁹ Memorandum by the President’s Special Counsel Clifford to President Truman, Washington, March 6, 1948, *FRUS*, 1948, vol. V, 695, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1948v05p2.p0185&id=FRUS.FRUS1948v05p2&isize=M> access date: April 22, 2014

problem.¹²⁰ This second message to the Security Council was not as well received as the first. The American Zionists were furious and felt betrayed. Truman had supported partition and in fact set the table for a Jewish state in Palestine when the British mandate ended. Just the day before Ambassador Austin announced the US reversal from the partition policy, Chaim Weizmann, Truman's old friend who was later to become Israel's first president, had visited the White House. Truman had promised Weizmann that there would be no change in US policy toward Palestine.¹²¹ But Truman had to back out and go back on his promises to Weizmann. To maintain his promise, Truman later assured Weizmann in a personal letter that he would support the creation of a Jewish state.¹²² The whole matter became an embarrassment for Truman and he blamed the State Department for intentionally undermining him. "[T]he State Department pulled the rug from under me today," Truman wrote in his diary.¹²³

3.4 Truman's recognition of the state Israel

The situation had become a non-win for the Palestinians. They had no organized resistance and failed to realize that political reality sealed their fate and effectively excluded them from the policy-making framework.¹²⁴ The Zionist leaders were well aware of the UN's goodwill for the creation of a Jewish state. Thomas C. Wasson, the US General Consul in Jerusalem, reported to Washington three months before the British mandate ended that Jewish officials were telling him "that the fate of the future Jewish state was tied to the fate of the UN and that the world community would not let either one go under."¹²⁵ On April 23, 1948 Weizmann received another personal message from President Truman assuring him that even if the UN General Assembly would not adopt the trusteeship proposal, the US would recognize the Jewish state when it was established.¹²⁶

¹²⁰ The Palestine – Israel Journal, <http://www.pij.org/details.php?id=446>, access date: April 8, 2014

¹²¹ Letter from Eddie Jacobson to Dr. Joseph Cohn, April 1, 1952
http://www.trumanlibrary.org/whistlestop/study_collections/israel/large/documents/newPDF/23.pdf#zoom=100

¹²² The Palestine – Israel Journal, <http://www.pij.org/details.php?id=446>, access date: April 8, 2014

¹²³ Robert J. Donovan *Conflict and Crises: The Presidency of Harry S. Truman, 1945-1948*, (New York: W.W. Norton, 1977), 376, see also Margret Truman, *Harry S. Truman*, (New York: William Morrow Company, Inc., 1973), 388

¹²⁴ Christison, *Perceptions of Palestine: Their Influence on U.S. Middle East Policy*, 76

¹²⁵ *Ibid*, 81

¹²⁶ The Palestine – Israel Journal, <http://www.pij.org/details.php?id=446>, access date: April 8, 2014

At the White House, the upcoming election was in focus. In May 1948, election pollsters showed that Truman was not one of the favorites to become the new president. The matter of recognition of Israel was of political importance domestically for Truman because of the votes he would receive from the Jewish society and all the Americans that supported the creation of a Jewish state. Therefore, on May 12, Truman called for a meeting at the White House to discuss the establishment of a Jewish state and US recognition of it.¹²⁷ At the meeting, the presidential counselor, Clark Clifford, was eager to convince the Secretary of State, George Marshall, and the Under-Secretary of State, Robert Lovlett, that an early recognition of the inevitable Jewish state by the US was the only hope to gain an advantage in the Middle East on the Soviet Union. In his opinion, the Soviet Union wanted to prevent Israel from becoming an imperialistic western state. And the White House feared that driving the Zionist movement into the hands of the Soviet Union would make the new Israeli State a forward Soviet detachment in the Middle East.¹²⁸ The representatives from the State Department meant that this argument “was a very transparent attempt to win the Jewish vote”.¹²⁹ Marshall became furious and said to Truman that “if the President were [sic] to follow Mr. Clifford’s advice and if in the elections [Marshall] were [sic] to vote, [he] would vote against the President”.¹³⁰

Still, two days before the state of Israel became a fact, Chaim Weizmann wrote to President Truman:

I deeply hope that the US, which under your leadership has done so much to find a just solution, will promptly recognize the Provisional Government of the new Jewish state. The world, I think,

¹²⁷ Memorandum of Conversation by Secretary of State, Washington, May 12, 1948, *FRUS*, 1948, vol. V, 972, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1948v05p2&isize=M&submit=Go+to+page&page=972>, access date: April 22, 2014

¹²⁸ Sayigh, Shlaim, *The Cold War and the Middle East*, 2003, 159

¹²⁹ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 63

¹³⁰ Memorandum of Conversation by Secretary of State, Washington, May 12, 1948, *FRUS*, vol. V 975, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1948v05p2.p0465&id=FRUS.FRUS1948v05p2&isize=M> access date: April 22, 2014

would regard it as especially appropriate that the greatest living democracy should be the first to welcome the newest into the family of nations.¹³¹

On May 14, eleven minutes after midnight Palestinian time, the US recognized the State of Israel *de-facto*. The response from Jordan, Syria, Egypt, Iraq and Lebanon to Israel's new declaration of independence was to attack the newly founded Jewish state. The State Department's reaction was nearly an open revolt. The transparent political motives for Truman instantly to recognize the new Jewish state were obvious to all. Truman had based his decision on purely domestic considerations and he had not recognized that the problem was international. He had not considered the basic US democratic belief "that it would be contrary to the policy which the United States has always followed of respecting the wishes of a large majority of the local inhabitants with the respect of their form of government."¹³²

3.5 The consequence of the Arab-Israel war

Between 600 000 and 760 000 Palestinians became refugees because of the 1948 war.¹³³ On June 16, 1948, the Provincial Government of Israel decided to close the borders, and the refugees that tried to return to their homes were to be shot.¹³⁴ The Israelis regarded the Palestinians' right to return to their former homes after the war as not a right, but a Palestinian *ambit claim*.¹³⁵ This means an extravagant initial demand made in expectation of an eventual counter-offer and compromise.¹³⁶ For Israel, it meant that it held return of the refugees only to be achieved by a final peace settlement with the neighboring Arab states. The Arabs claimed that the Palestinians were protected under international law. The Israelis stated that there was no basis for that in international law.¹³⁷

¹³¹ Karp, *US Policy Towards Jerusalem and the Occupied Arab Territories 1948 and 1967*, 44

¹³² Dean Acheson, *Present at the Creation: My Years in the State Department*, (New York: W. W. Norton & Company, 1987), 170

¹³³ Stian Johansen Tiller, Hilde Henriksen Waage, "Powerful State, Powerless Mediator: The United States and the Peace Efforts of the Palestine Conciliation commission, 1949-51", *The International History Review*, 33:3, (2011), 501

¹³⁴ Hilde, Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 137

¹³⁵ Sandford R. Silverburg, *Palestine and International Law: Essays on Politics and Economics*, 1

¹³⁶ http://www.wordsense.eu/ambit_claim/ - access date: February 12, 2014

¹³⁷ Sandford R. Silverburg, *Palestine and International Law: Essays on Politics and Economics*, 38

The Arab - Israel war lasted officially to January 7, 1949, when the UN managed to negotiate a ceasefire, but in March, there was still fighting going on.¹³⁸ The majority of the refugees fled to the neighboring Arab states, the Gaza Strip and to the West Bank. After the war, the situation had changed dramatically. No longer was the November 29, 1947 UN settlement of any interest to Israel. They had gained more land than promised by the partition and had become a much more homogenous Jewish state than they ever expected because of the Palestinian flight.¹³⁹ For the Arab states, the refugee problem and their defeat to the Jewish state could not be accepted.

The unrest in Palestine and the refugee problem had become a major headache for Truman and the UN. The Middle East was of importance to all the Western states. Its oil was a resource that would supply not only the Berlin Airlift (June 1948-May 1949) but also Western states in the future. The Arab states controlled it, and they regarded Israel as a Western outpost in the region. Thus for the US, instability between the Arabs and the Israeli was not beneficial, especially in the context of the starting Cold War. Because of the communist threat, US diplomats were alarmed “by global Cold War concerns [and] concurred in the view that the masses of disgruntled refugees were potential tools of Communism and posed a threat to the pro-western Arab host governments.”¹⁴⁰ By mid-1948, the United States had to face the Palestinian refugee problem. The US State Department urged President Truman to act.

3.6 Bernadotte

On May 20, 1948, the United Nations appointed Count Folke Bernadotte to be the mediator in the Palestine conflict. He was to “[p]romote a peaceful adjustment of the future situation of Palestine.”¹⁴¹ Bernadotte managed to make the first truce that lasted from June 11 to July 9, 1948. His proposal was that the City of Jerusalem and the area known as Negev should be a part of Arab territory, something the Provisional Government of Israel regarded as disastrous. According to Ben-Gurion, Israel needed the Negev to settle new Jewish immigrants. Galilee, on the other hand, should in Bernadotte’s plan be defined as Jewish territory. However, the

¹³⁸ Johansen Tiller, Henriksen Waage, “Powerful State, Powerless Mediator”, 501

¹³⁹ Ibid, 503

¹⁴⁰ Morris, *The Birth of the Palestinian Refugee Problem*, 255

¹⁴¹ Cohen, *Truman and Israel*, 223

Israelis had already occupied the Galilee, and had no interest negotiating for a land they already had. The boundaries were in reality made up by the military frontiers.¹⁴²

Peace between the Arab states and Israel, was closely the connected with the return of the Palestinian refugees. Therefore, on June 17, 1948, Bernadotte met with Foreign Minister Moshe Shertok, who later change name to Sharett, and asked if Israel could take back 300 000 refugees. Sharett responded that the question about letting any refugees return could not be answered as long as the war was going on. But he managed to let it shine through that Israel might take some of the refugees back when the war was over. Israel had not yet taken any stand on the refugee problem, he told Bernadotte. This was not the case. Just the day before, Prime Minister Ben Gurion had made it clear to the Israeli government that “no refugees were to return and this would be our policy.”¹⁴³ In August, Truman was confronted by the State Department about the tragedy that was taking place. The State Department told the President that there were 300 000 to 400 000 refugees, and their condition was horrible.¹⁴⁴ The pressure on Israel to discuss the Palestine refugees and their return increased. The same month Bernadotte told Sharett that Israel was “driving too hard a bargain” and that Israel’s “stock was dropping”.¹⁴⁵ Sharett just answered that in the end it was in everyone’s interest that the Arab minority in Israel would be a small one.¹⁴⁶

The Americans were getting tired of Israel’s intransigence. James McDonald, the first US ambassador to Israel, met with Ben Gurion on August 20, 1948. He told the Prime Minister that if Israel did not reconsider their unwillingness to take back a substantial number of Palestinian refugees, the US had to consider implementing sanctions towards Israel. Ben Gurion told McDonald that despite this threat, Israel could not compromise the security of the

¹⁴² Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 147

¹⁴³ Ibid, 140

¹⁴⁴ The charge in Egypt (Patterson) to the Secretary of State”, Cairo, August 7, 1948-11 a.m., Secret, *FRUS*, 1948 vol. V, 1295, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1948v05p2&isize=M&submit=Go+to+page&page=1295>, access date: April 22, 2014

¹⁴⁵ Morris, *The Birth of the Palestinian Refugee Problem*, 147

¹⁴⁶ Ibid, 147

state by letting refugees return before the war was over.¹⁴⁷ “There is little if any possibility of Arabs returning to their homes in Israel or Jewish-occupied Palestine,” wrote McDonald.¹⁴⁸ This was confirmed on September 12 when Sharett instructed the Israel delegation to the meeting of the UN General Assembly to stay with the consensus of the June 16 statement from Ben-Gurion. Sharett also instructed that “in informal conversations, the delegation w[ould] explain that it was better that the problem be solved by settling the refugees in the neighboring countries.”¹⁴⁹

On September 17, 1948, Bernadotte was assassinated. The convoy of three cars in which he was riding was stopped at a roadblock in Jewish-controlled West Jerusalem. Three gunmen attacked the car where the 54-year-old Swedish Second World War hero was shot to death together with a French officer, Andre Serot, sitting next to him. Behind the assassination stood Jewish terrorists from Lehi (Lohamei Herut Israel), better known as the Stern Gang. Three leaders from the terrorist group had given the orders. One of them was Yitzhak Shamir, who became leader of the Likud Party from 1983 to 1992 and Israel’s Prime Minister in 1983. The murderers were never prosecuted, and in 1950 Israel admitted its laxity in the investigation and paid \$54 628 in indemnity to the UN.¹⁵⁰

3.7 Bernadotte’s final report

Bernadotte’s final report had been completed the day before he was assassinated and was publicized September 20, 1948. He stated in his report that the refugees, who wanted to return to their homes and live in peace with their neighbors, should be allowed to do so as soon as possible. Bernadotte’s report was stated in the UN Resolution 194 on December 11, 1948 the same year. The resolution also stated that Israel had to pay certain compensations to those refugees who decided not to return.¹⁵¹ “It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to

¹⁴⁷ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 142

¹⁴⁸ Morris, *The Birth of the Palestinian Refugee Problem*, 146

¹⁴⁹ Ibid, 151

¹⁵⁰ <http://www.wrmea.org/1995-september/jewish-terrorists-assassinate-u.n.-peacekeeper-count-folke-bernadotte.html> access date: March 6, 2013

¹⁵¹ Morris, *The Birth of the Palestinian Refugee Problem*, 254

their homes while Jewish immigrants flow into Palestine,” Bernadotte had confirmed.¹⁵² UN Resolution 194 called out for action, and the US could not avoid getting involved.

In October 1948, the State Department reported about “a tragic disaster of catastrophic proportions” and the UN established a thirty-two-million dollars refugee relief program.¹⁵³ Foreign Service officer Stanton Griffis was appointed by the State Department to lead the fund, and the US Congress was convinced to raise half of the aid money. At the end of 1948, Truman embraced the solution that Israel had to repatriate the refugees. Repatriation was important not only for humanitarian but also for political reasons. Israel, in Truman’s mind, should let those refugees who wanted to come back do so as a token of their willingness to cooperate for peace with the neighboring Arab states. Repatriation also concerned US national security. Secretary of Defense Louis A. Johnson meant that the refugee crises would “aggravate conditions of insecurity, unrest, and political instability, with attendant opportunity for Soviet penetration.”¹⁵⁴

3.8 The Mediators

Ralph Bunche inherited the role as UN mediator. He received the Nobel Peace Prize in 1950 for his work on the Palestine conflict, but his eagerness in pursuing a solution for the return of the refugees was never the same as that of Bernadotte.¹⁵⁵ December 11, 1948 The Palestinian Conciliation Commission (PCC) was established. It was an UN commission that was supposed to find a solution to all outstanding questions and help all the refugees that wanted to return to their homes in Palestine.¹⁵⁶ The commission consisted of Claude de Boisanger (France), Mark F. Ethridge (USA) and Hussein C. Yalcin (Turkey). It soon became clear that the negotiations would divide into separate camps. The PCC was entrusted to follow up the UN Resolution 194. The Bernadotte Plan also presented territorial suggestions between the Arab states and Israel that differed from the Partition Plan. The PCC did not manage to agree

¹⁵² Morris, *The Birth of the Palestinian Refugee Problem*, 151

¹⁵³ Peter L. Hahn, *Caught In The Middle East, U.S. Policy towards the Arab-Israeli Conflict, 1945-1961*, (Chapel Hill: The University of North Carolina Press, 2004), 100

¹⁵⁴ Ibid, 101

¹⁵⁵ Morris, *The Birth of the Palestinian Refugee Problem*, 153

¹⁵⁶ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 143

on the border issue and finally omitted the whole question.¹⁵⁷ Bunche on the other hand continued the negotiation for temporary armistice borders between representatives from Israel, Egypt, Transjordan, Syria and Lebanon. In the beginning of February, it was decided that PCC should leave the border negotiation to Bunche.¹⁵⁸

Ethridge, the US PCC member, soon became the leader of the commission. If the commission should have any influence at all, it was important to have a strong powerful state supporting it. This way, the US dominated the commission.¹⁵⁹ The Palestinian refugee problem became the main concern for the PCC. It was the major obstacle for peace negotiations. During the spring of 1949, the PCC and the US tried to solve the refugee problem with little help from others. A technical committee was established in order to find out how many refugees existed, how many could be settled in the neighboring Arab states, and how they could be economically rehabilitated.¹⁶⁰ The PCC also arranged for a peace conference in Lausanne. The conference was an attempt to establish peace treaties between the Arab States and Israel and discuss the refugee problem. It lasted from April 27 to September 15, 1949. The Palestine conflict had two major issues that could not be separated: Territory and the Palestinian refugees. In addition to the PCC, an Arab delegation represented by Syria, Egypt, Lebanon and Jordan as well as an Israel delegation attended the conference. Ahmad Shuqayri, representing the refugees and attending as a “Palestinian advisor,” was affiliated with the Syrian delegation.¹⁶¹

3.9 Truman’s turn on US policy

Just before the Lausanne conference started in April, Mark Ethridge wrote a personal letter to President Truman where he pointed out Israel’s inflexibility on the conflict and the refugee problem. Israelis trusted strong military security over a good relationship with their neighbors. Truman was at this point fed up with Israel’s attitude and wrote back to Ethridge, “I am rather

¹⁵⁷ Johansen Tiller, Henriksen Waage, “Powerful State, Powerless Mediator”, 505

¹⁵⁸ Johansen Tiller, Henriksen Waage, “Powerful State, Powerless Mediator”, 501; The United States Representative at the United Nations (Austin) to the Secretary of State, New York, April 20, 1949, *FRUS* 1949, vol. VI, 931

¹⁵⁹ Johansen Tiller, Henriksen Waage, “Powerful State, Powerless Mediator”, 502

¹⁶⁰ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 144; The Consul at Jerusalem (Burdett) to the Secretary of State, Jerusalem, April 19, 1949, *FRUS* 1949, vol. VI, 923

¹⁶¹ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 71

disgusted with the manner the Jews are approaching the refugee problem.”¹⁶² Truman approached Prime Minister Ben-Gurion, but to no use. In fact, it had the opposite effect. The answer to Truman’s approach from the Israelis was that “They intended to bring about a change in the position of the United States Government... through means available to them in the United States.”¹⁶³ The State Department tried to run a hard line, and responded by suggesting that the US withheld \$49 million from a \$100 million Export-Import Bank loan to Israel unless Israel took back at least 200 000 refugees. George C. McGhee, US coordinator on Palestine matters had a meeting with the Israeli ambassador to the US, Eliahu Elath and informed him about the money that might be withheld. A few hours later McGhee “received a message from the White House that the President wished to dissociate himself from any withholding of the Ex-Im bank loan.”¹⁶⁴ In other words, the Jewish lobby had a grip on President Truman, which made him overrule the State Department’s Palestine policy.

In an interview with Ethridge in 1974 by Richard D. McKinzie, Ethridge explained his frustration during the negotiations on the conflict in the Middle East.

Ethridge: The Israelis were not going to give up an inch of land[.] [...] [T]he U.N. said Israel must give back, they must take their refugees back, you know, there was no way of reconciliation.

McKinzie: No way that pressure could be used to bring it about, that you saw?

Ethridge: No, no. Truman let me down on two phases of the Palestine thing. One of them was, I recognized that Israel was going to be very tough to deal with, and Israel was desperately trying to get into the U.N. I got an[sic] promise out of the President that we would withhold recognition of Israel in the U.N. Hell, I hadn’t been out there a month before we moved for recognition of Israel in the U.N. We moved it. We just didn’t vote for it, we moved it. Another was, we were to give Israel some money through the Export-Import Bank, and I got him to promise to hold that up until we could get some positive indication. Well, They released that before I got through with

¹⁶² “The President to Mr. Mark F. Ethridge, at Jerusalem“, Washington, April 29, 1949, *FRUS 1949*, vol. VI, 957, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1949v06&isize=M&submit=Go+to+page&page=957>, access date: April 22, 2014

¹⁶³ “Memorandum by the Acting Secretary of State to the President”, Washington May 27, 1949, *FRUS 1949*, vol. VI.1061, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1949v06.p1077&id=FRUS.FRUS1949v06&isize=M>, access date: April 22, 2014

¹⁶⁴ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 77, see also George McGhee, *Envoy to the Middle World: Adventures in Diplomacy*, (New York: Harper & Row, 1983), 37

the Commission.

McKinzie: There wasn't much leverage, then, again.

Ethridge: No, I didn't have any, I didn't have any. That's one reason I said,
"I'm going home."¹⁶⁵

3.10 Israel's UN admission

From December 1948, Israel's admission to the UN was being discussed in the Security Council, the question being what should come first of peace between Israel and the Arabs or Israeli admission to the UN. Israel held the peace process hostage to the claim that UN membership "became a cornerstone of Israel's international admission campaign".¹⁶⁶ Israel argued that in order to be equal in the negotiations process with the other Arab-states, it should be admitted. And that for the sake of United Nation's own prestige, the membership should be as universal as possible. The UN Secretary General, the Norwegian Trygve Lie, who was a convinced Zionist, was on Israel's side. Truman also supported Israel's membership application, but the State Department was not as convinced as Truman. It feared that Israel would expand its territories after being admitted and the possibility that the Arab world would unite in anger. Finally, there was the dilemma of opening up for Israel's admission to the UN that could lead to a broader admission policy and eventually admission for the USSR's candidates. This could disturb the balance in UN. On December 17, 1948, the Security Council rejected Israel's application.¹⁶⁷

But Israel did not give up and applied again for UN admission on February 24, 1949. At the same time, Bunche, who was negotiating armistice between Israel and the Arab states at the island of Rhodes, reported that a general agreement between the belligerents had been signed. This turned out positive for Israel's application for UN membership. The Security Council voted in favor of Israel's admission, and recommended it to the General Assembly as the

¹⁶⁵ Oral History Interview with Mark F. Ethridge, Moncure, North Carolina June 4, 1974 by Richard D. McKinzie, <http://www.trumanlibrary.org/oralhist/ethridge.htm#49> access date November 13, 2013, see also Memorandum of Conversation, by the Deputy Assistant Secretary of State for Near Eastern and African Affairs (Hare) Washington August 29, 1949 *FRUS* vol. VI, 1949, 1328

¹⁶⁶ Heian-Engdal, Jensehaugen, Henriksen Waage, "Finishing the Enterprise", 469

¹⁶⁷ *Ibid*, 471

procedures was. The next step was to get the application through in the General Assembly. By April the US was getting tired of Israel's steeliness about the Palestinian refugee problem and the way Israel had handled the Jerusalem question. Israel's application for admission could be in danger because of this, at least if the British representatives to the UN and Ethridge got their way. Ethridge meant that the UN membership could be used as a reward for Israel's cooperativeness on the refugee and Jerusalem issues.¹⁶⁸

Eban addressed the Ad Hoc Political Committee on May 5, 1949. The General Assembly had decided that the admission question for Israel should be treated in this committee before it got its final decision in the General Assembly. Several UN members were dissatisfied by Israel's unwillingness to comply with UN Resolution 194. Eban told the committee that the "Israeli government was earnestly anxious to contribute to the solution of the refugee problem."¹⁶⁹

His speech conveyed nothing new and was not at all the conciliatory statement that the PCC and the US State Department wanted to hear. But once more, President Weizmann had interfered, and had written a letter to Truman about the UN membership question. The letter had satisfied the President. The matter of Jerusalem came before the matter of the Palestinian refugees. Eban knew that Israel had to consolidate on the Jerusalem issue. Israel did not accept to the Internationalization of Jerusalem. By using a strategy that emphasized the truce lines on ground instead of the UN Partition Plan, Israel limited the internationalization of the whole city to only the Holy Places. By addressing this to the UN, Eban managed to please the Vatican and by this the Latin-American bloc who considered the question for free access to the Holy Places in Jerusalem crucial. Therefore as long as the White House was pleased, Israel did not have to yield on the refugee question. On May 11, 1949, the United States co-sponsored UN General Assembly Resolution 273 (III), which admitted Israel as the 59th member state of the UN.¹⁷⁰

¹⁶⁸ Heian-Engdal, Jensehaugen, Henriksen Waage, "Finishing the Enterprise", 475

¹⁶⁹Ibid 478

¹⁷⁰Ibid, 479

3.11 A deadlocked situation

At the Lausanne conference, the negotiations were deadlocked from the beginning. Israel would not let the refugees return to their homes, and the Arab neighbor states did not welcome the refugees, at least not without any compensation. Syria, Lebanon, Egypt and Jordan had absorbed most of the refugees. They “demanded repatriation of the dispossessed and linked all progress towards a resolution of the conflict to Israeli agreement to a return.”¹⁷¹ At the same time, the Arab states saw the refugees and their undeserved status as a strong argument in the negotiations. The Arabs argued that if the Israelis did not allow the return of the refugees, it would cause western skeptics towards Israel on humanitarian grounds. But Israel claimed that if it did take back the refugees, it could cause political and military instability, their return would constitute fifth column.¹⁷²

For the Israelis the refugees were the ticket to recognition and peace with the Arab states. The Israelis did not want to give back hard-earned territories or accept the principle of territorial compensation related to the 1947 boundaries. That would jeopardize the Jewish plan to create a purely Jewish state. Israel said that they had gone as far as they could possible go concerning repatriation of the refugees and nothing more could be done before a final peace settlement had been reached.¹⁷³ The refugees had consequently become a political weapon for both the Arab states and the Israelis. In the summer of 1949, the Israelis had to answer to the accusations from the US for not being cooperative about the refugees. Trying to bypass the US State Department and communicate directly with the White House, where Israel had a softer spot, did at this point not succeed. Truman was getting tired of Israel’s uncompromising attitude and told the Jewish leaders who had called on him that “unless they were prepared to play the game properly and conform to the rules, they were probably going to loose one of their best friends.”¹⁷⁴

¹⁷¹ Morris, *The Birth of the Palestinian Refugee Problem*, 255

¹⁷² “The Charge` in Egypt (Patterson) to the Secretary of State, Secret, Cairo, August 7, 1948 -11 a.m. *FRUS*, 1948 vol. VI, 1295, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1948v05p2.p0787&id=FRUS.FRUS1948v05p2&isize=M> , access date: April 22, 2014

¹⁷³ Memorandum by the Deputy Under Secretary of State (Rusk) To the Under Secretary of State (Webb), Washington, June 9, 1949, *FRUS*, 1949, vol. VI, 1107

¹⁷⁴ Memorandum by acting Secretary of State, Washington, June 10, 1949, *FRUS*, 1949, Vol. VI, 1109

3.12 Sharett's statement to Knesset

On June 15, 1949 Foreign Minister Moshe Sharett, held a speech to the Knesset. It summed up Israeli arguments for not allowing the refugees to return to their homes now in Israel.¹⁷⁵

In Sharett's speech, he confronted the neighbor Arab states and stated that the refugees were not Israel's responsibility, but that of the Arab states. He considered the Israelis to be "playing along" for justice, and argued that they had accepted the UN partition resolution unlike the Arab states.¹⁷⁶ He said, "[i]n the wake of the [Arab-Israel] war, and as a result of the collapse of the rebellion and the invasion, there came the Arab exodus."¹⁷⁷ The security and the existence of the newly established Jewish state was most important for Sharett, who argued, "[that a] mass repatriation of refugees without peace with the neighboring countries would thus be an act of suicide on the part of Israel. No State in the world placed in [Israel's] position would think of doing anything of the sort."¹⁷⁸

Sharett continued by stating that the economy of the displaced Palestinians had been ruined and that their property had not been handed over but abandoned. It could not be expected by the new state of Israel to resettle the refugees. "A State which harness[ed] all its energies and resources to the great task of absorbing the new [Jewish] immigrants, could [therefore] not possibly take upon itself this additional burden."¹⁷⁹ However, Sharett had recognized the annoyance of the US, and he knew that there had to be some atonement from Israel's side. He proposed that Israel could help reunite families, allow a certain number of refugees to return, and pay compensation to the refugees for the land they had lost. In return, Sharett wanted peace negotiations with the neighboring Arab states: "Those who attacked us cannot have it both ways, refuse to enter into peace negotiations with us and at the very same time insist that

¹⁷⁵Statement to Knesset by Foreign Minister Sharett – 15 June 1949, Volumes 1-2, 1947 -1974, VI. The Arab refugees
<http://mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/2%20Statement%20to%20the%20Knesset%20by%20Foreign%20Minister%20Sha.aspx>, access date: January 28, 2014

¹⁷⁶ Ibid

¹⁷⁷ Ibid

¹⁷⁸ Ibid

¹⁷⁹ Ibid

we readmit refugees for whose plight they alone are responsible.”¹⁸⁰ Sharett also used UN Resolution 194 literally in order to emphasize that the Israelis had not violated the resolution. He pointed out that the resolution said that those wishing to live at peace with their neighbors are entitled to come back. “But who [was] going to examine the sincerity of the desire for peace evinced by the returning Palestinians; and who [could] guarantee that it [would] last,” Sharett asked.¹⁸¹ He continued by confirming that the resolution provided Palestinian refugees be admitted “at the earliest practicable date. “Who [could] say that this practicable date [had] already arrived,” Sharett rhetorically questioned.¹⁸²

The Arab states wanted to consider compensation only if Israel resettled some of the refugees, but Sharett questioned whether Israel should consider such an appeasement and whether the Arab states deserved such a remission. Was it not the Arabs, he argued, who had misled the refugees by telling them that they could return as soon as the Jews were defeated and “their survivors thrown into the sea? What justified the belief that such appeasement would bring peace and that such peace would last?”¹⁸³ At the end of his statement, Sharett pointed out that the UN did not reassure Israel of peace, and that Israel would stand alone if aggression towards the new Jewish state would occur. He added that the relationship with the US was vital, but could not be compromised by the security of the state.¹⁸⁴

On July 5, Sharett came up with an exact number of refugees that were to be admitted to return. To erase US pressure, the admission of 100,000 refugees would show the UN and the US that Israel was willing to compromise. In return, Israel would negotiate for peace as long as it could retain all its controlled territories and resettle the returning refugees wherever they found reasonable. Ben-Gurion did not like the idea. He thought that 100,000 would be a danger to the security of the state and that the Arab states would never accept the proposal. But after he understood that it was just a diplomatic maneuver to ease the pressure from US,

¹⁸⁰ Statement to Knesset by Foreign Minister Sharett

¹⁸¹ Ibid

¹⁸² Ibid

¹⁸³ Ibid

¹⁸⁴ Ibid

he went along with it. In fact there were only 65 000 or 70 000 refugees since 25 000 had already returned illegally and 10 000 were to return as part of the family reunion scheme.¹⁸⁵

To assure that Truman would admit the proposal, the President was early and surreptitiously asked about the 100 000 refugees.¹⁸⁶ Following a positive informal response from Truman, Sharett formally asked Truman on July 28, and the proposal was introduced to the PCC on August 3, 1949. The American Secretary of State, Dean Acheson, opposed the proposal and criticized the “take it or leave it attitude” from Israel. The PCC thought it was absurd and the Arab states said that it was “less than symbolic”.¹⁸⁷

The proposal was formally rejected on August 9. Sharett tried to overturn the decision by turning Truman against the State Department. But it backfired on Israel. Truman became so furious that he suspended the \$49 million balance of Israel’s \$100 million Export-Import Bank loan. Israel disliked the decision, and at a lunch meeting that McGhee had with Israel’s Ambassador Eliahu Elath on August 25, the Ambassador emotionally told McGhee: “The action taken by the bank at the apparent behest of the State Department clearly constituted a breach of promise.”¹⁸⁸ McGhee on the other hand was confident in “achieving an ultimate solution and was particularly hopeful that events might take a more constructive turn with the setting up of the Economic Survey Mission.”¹⁸⁹

3.13 The outcome of the Lausanne conference

The Lausanne conference became a disaster. Nothing came out of it, and the refugees were still just a political card. The Israelis were neither disappointed nor surprised that their

¹⁸⁵ Morris, *The Birth of the Palestinian Refugee Problem*, 573

¹⁸⁶ Porter to Secretary of State (August 3, 1949) Israel State Archives hereafter ISA/RG 130/MFA/2477/1, Note: box and folder nr. might not be correct

¹⁸⁷ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 147

¹⁸⁸ Memorandum of Conversation, by the Deputy Assistant Secretary of State for Near Eastern and African Affairs, Washington, 25 August 1949, *FRUS*, 1949, vol. VI, 1329

¹⁸⁹ *Ibid*, 1329

100,000-refugee proposal had been turned down. They had time on their side. The armistice boundaries became *de-facto* boundaries, and the refugees did not return.¹⁹⁰.

The thirty-two-million dollar refugee relief program established in October 1948 was supposed to end in December 1949. The State Department argued that something had to be done to the humanitarian crisis to which the Palestinian refugees were subjected. With Truman's approval, the State Department decided that the PCC would establish an Economic Survey Mission (ESM) that would "examine the economic situation in the countries affected by the recent hostilities, and to make recommendations to the Commission for an integrated program."¹⁹¹ The report that came out of ESM's survey, the so-called Clapp report, prompted the General Assembly to take significant action and to aid the refugees.

The General Assembly had lost trust in Washington to help solve the refugee crisis. On December 8, 1949, the United Nations Relief and Works Agency (UNRWA) was established. The observation from the UN was that it "[was] necessary to prevent conditions of starvation and distress" among by then 726 000 refugees.¹⁹² During the following years, not much came out of US efforts to try to solve the refugee problem. Repatriation was the refugees' only wish; resettlement would be to concede that their Palestinian properties were lost forever.

¹⁹⁰ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 147

¹⁹¹ Terms of Reference of the Economic Survey Mission", 1 Sept. 1949, *FRUS* 1949, Vol. VI, 1346
<http://digioll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1949v06&isize=M&submit=Go+to+page&page=1346> access date: April 15, 204

¹⁹²Neff, *Fallen Pillars: U.S Policy Towards Palestine and Israel Since 1945*, 78

4 United States policy concerning the Israeli confiscation of abandoned individual Palestinian properties

The Israeli refusal of the return of the Palestinian refugees to their abandoned properties was closely linked to the new Jewish settlements in Israel. The Israelis seized the abandoned Palestinian properties, and new Jewish settlers cultivated the land. The mass exodus of Palestinians in 1947-48 resulted in more than 725 000 Palestinians leaving their farmlands, animals, tools, factories, bank accounts and personal belongings. The non-returning refugees had left behind considerable assets, and the new Jewish state quickly confiscated the abandoned properties.¹⁹³

After the Lausanne conference, Washington's concern about the Palestinian properties remained within parameters acceptable to Israel. The US government made no serious effort to oppose Israel's confiscation and resettlement of Palestinian properties.¹⁹⁴ In fact, Washington made sure that the United Nation's prime tool for handling the refugee problem and the loss of properties, namely the Palestinian Conciliation Committee (PCC), never crossed the "red lines". They were undeclared parameters intended to guide the PCC in the way that Washington found fit. The "most important of these were that repatriation was not feasible and that refugee compensation must be in lieu of repatriation."¹⁹⁵ Washington had given up the alternative of allowing the refugees to return to their homeland and instead made the PCC focus on the technical issues relating to compensation.¹⁹⁶

Why did the US follow such a policy? The US favored peace between Israel and the Arab states mostly as protection of their own interest in the Middle East, and the Cold War had

¹⁹³ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 1

¹⁹⁴ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 152

¹⁹⁵ Michael R. Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, (New York: [University of California Press](http://www.jstor.org/stable/10.1525/jps.2002.31.2.34), Journal of Palestine Studies, 2002), Vol. 31, No. 2, 34-50 Article Stable URL: <http://www.jstor.org/stable/10.1525/jps.2002.31.2.34>

¹⁹⁶ Ibid

priority before the Arab-Israel conflict. The State Department advised the Israeli government to make concessions in order to achieve peace, but the US government refrained from taking major initiatives. Truman had always had a weakness for Israel, and the White House and its advisers, who believed in the rightfulness of the new established Israel, competed with the State and Defense Department for the President's mind. The latter wanted to have closer relation with the Arab because of national security concern and the Middle East preservation of oil sources. This internal division limited the United States' peacemaking efforts in the Middle East and the return of Palestinian properties.¹⁹⁷

4.1 An occupation by the Jewish Immigrants

In 1948, neither the United State government nor anyone else had envisioned that the Palestinian refugees were to become permanent refugees. They expected that they would return to their respective homes when the war was over. The abandon Palestinian properties had an upcoming harvest in the summer of 1948. This became an important issue, not only for the new Jewish settlers, but also for the existence of the new Jewish state. In June, the Provincial Government of Israel had provided certain legal frameworks that would justify the Israeli takeover of the abandoned properties.

The Agriculture Ministry together with the Arab Property Department (at first a branch of the Minority Affairs Ministry and from June 1948 part of the office of the Custodian for Abandoned (later Absentees') Property) organized Jewish settlers to harvest abandoned Palestinian crops. In a time when Israel desperately needed food to all their immigrants, they could not leave the crops to rot. The harvesting of the fields connected the Jewish immigrants to the Palestinian properties and made them want to stay. During the summer of 1948, Jewish settlers "appealed to the Agriculture Ministry, the Jewish National Fund, and other land-allocating bodies for permanent leaseholds and possession."¹⁹⁸ This became one of the major, non-official reasons for not letting the Palestinian refugees return to their homes. It secured the Israeli procurement of Arab land. The Israelis, on the other hand, stopped the refugees

¹⁹⁷ Hahn, *Caught in The Middle East: U.S. Policy toward the Arab- Israel Conflict, 1945-1961*, 142

¹⁹⁸ Benny Morris, *1948 And Israel And The Palestinians*, 179

when they tried to collect the crops from the abandoned fields. On June 13, 1948, Israeli government ordered the Israel Defense Forces (IDF) to “prevent completely all Arabs reaping in areas conquered by the IDF.”¹⁹⁹ On July 3, the Secretary General of the Arab League, Abdul Rahman Azzam complained to the UN mediator Folke Bernadotte about the situation for the Palestinian refugees. They were starving and had the right to harvest their own crops. Outside observers, among them Bernadotte and the American charge ‘affairs to Damascus, Loy W. Henderson, criticized the Jewish settlement and the harvesting of Palestinian refugees’ crops, but they did not recognize the political motives for the Israeli acquisition of Palestinian property.²⁰⁰ Bernadotte himself reported to the UN that he had seen “Haganah organizing and supervising removal [of] contents [from] Arab houses in Ramle, which he understood [were] being distributed among newly arrived Jewish immigrants.”²⁰¹ Nothing came out of Bernadotte’s report.

4.2 Israeli continued expansionism leaving no room for the Palestinians

The lack of any action on part of the US gave Israel the courage to continue its expansion after the 1948 war. In March 1949, before the Lausanne conference took place, US State Department officials realized that any repatriation of Palestinian refugees would likely be in small numbers. Their hope was that US economic aid would convince the refugees to surrender their very natural desire to return to their “... fig tree and vine in favor of some other fig tree and vine elsewhere.”²⁰² By aiding the refugees deprived from their properties, means and livelihood, the UN and the US enabled Israel to use the same properties for new Jewish immigrants. The return had become physically impossible. Israelis had occupied Palestinian houses and properties, including in areas not given to Israel by the partition decision. Others properties had been destroyed. There was practically no room left.²⁰³

¹⁹⁹ Benny Morris, *1948 And Israel And The Palestinians*, 182

²⁰⁰ *Ibid*, 186

²⁰¹ The Charge´ in Egypt (Patterson) to the Secretary of State, Cairo, August 7, 1948, *FRUS* 1948 vol. VI, 1295, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1948v05p2.p0787&id=FRUS.FRUS1948v05p2&isize=M&q1=Azzam> access date May 26, 2014

²⁰² Hahn, *Caught in The Middle East: U.S. Policy toward the Arab- Israel Conflict, 1945-1961*, 102

²⁰³ The Consul at Jerusalem (Burdett) to the Secretary of State, Jerusalem July 6, 1949, *FRUS*, 1949 vol. VI, 1203-5

At the Lausanne conference, Israel agreed to repatriate 100 000 refugees. The offer was supposed to show the UN and the US that Israel was willing to compromise. In return, Israel would negotiate for peace as long as it could retain all its controlled territories and resettle the returning refugees wherever they found reasonable.²⁰⁴ In other words, the refugees would probably not return to their original homes and villages. The US and the UN rejected the proposal, but it showed how eager the Israelis were to hold on to already cultivated land.²⁰⁵

After the Lausanne conference, it became clear that Israel would not relinquish any conquered land or possessed Palestine properties. On the contrary, in 1948-49, Israel had absorbed 250 000 Jewish immigrants on top of the thousands of European Jews that came before the Israeli independence. In a conversation on October 20, 1950, Israel's Minister of Foreign Affairs Sharett told US State Secretary Acheson that it was Israel's duty to accept all Jews that wanted to come and that he hoped to receive 200 000 annually over the next few years. Because of this, Sharett hoped that the US would contribute financial assistance to Israel in order to "absorb immigrants and aid the Arab states to resettle the Palestine refugees."²⁰⁶ Acheson argued that the great number of Jewish immigrants added tension to the Arab-Israeli conflict. To him, Israel's expansionism and the fact that the newly arrived Jews occupied the abandoned homes of the Palestinian refugees, made repatriation seem less likely.²⁰⁷

Acheson denied financial aid to Israel, but later, in early 1953, President Truman decided that Acheson was to aid Israel with eighty million dollars to "help absorb into the productivity economy of Israel refugees already arrived and to permit a moderate rate of immigration."²⁰⁸ Acheson knew that Truman acted on aid to Israel because of his friendship with Israeli

²⁰⁴ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 147

²⁰⁵ *Ibid*, 147

²⁰⁶ Memorandum of Conversation with Moshe Sharett, Foreign Minister of Israel and Abba Eban, Ambassador of Israel to the United States, October 20, 1950. Secretary of State Files. Acheson Papers, http://www.trumanlibrary.org/whistlestop/study_collections/achesonmemos/view.php?documentid=67-6_31&documentYear=1950&documentVersion=both (access date August 1, 2013); Memorandum of conversation between Foreign Minister of Israel, Mr. Sharett and Secretary of State, Dean Acheson, October 20 1950, *FRUS* 1950 vol. V, 1033 -1034

²⁰⁷ Memorandum of conversation between Foreign Minister of Israel, Mr. Sharett and Secretary of State, Dean Acheson, October 20 1950, *FRUS* 1950 vol. V, 1033 -1034

²⁰⁸ Memorandum by the Secretary of State to the President, 21 Dec. 1951 *FRUS* 1951, V: 971-72

officials and domestic pressure from presidential advisors, the so-called “Israel’s friends in the White House”.²⁰⁹ He also knew that it would underpin the Arab fear of Israeli expansionism and strengthen the conception that the US approved of this.²¹⁰ Forgotten was the 1949 Fourth Geneva Convention, paragraph 6 of Article 49, which states: “The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”²¹¹ Israel had signed that article in 1951.

4.3 The Huleh conflict: an Israeli attempt to change status quo in the demilitarized zones by seizing Palestinian properties

In early 1950, Israel pushed thousands of Bedouins out of the Negev. The Bedouins that had remained inside the borders of the new state of Israel were without identity cards. This gave the Israeli government the opportunity to justify their expulsion.²¹² The US did not object. Nor did it react when Israel destroyed two Christian towns in the upper Galilee the same year.²¹³ The case of the villages of Bir Am and Iqrit was about two Catholic Christian communities that the Israeli army dispossessed in 1948, but the military authority promised the citizens that they later could return to their homes. The villages’ people complained to the High Court of Justice and won the case. They were not refugees, had not abandoned their land and were Israeli citizens. Still, the military authorities headed by the Minister of Police and Minorities, Bechor Shalom Shitrit, ordered expulsion and blew up the villages. The international press did not mention it.²¹⁴

However, the Huleh dispute in 1951-52 almost escalated into war between Israel and Syria, and this time the Americans got involved. Despite the fact that the Huleh situation involved Palestinian landowners and their properties in the demilitarized zone, the concern of the US

²⁰⁹Hahn, *Caught in The Middle East: U.S. Policy toward the Arab- Israel Conflict, 1945-1961*, 134

²¹⁰ Ibid 140

²¹¹ Article 49 of the Geneva Convention,
<https://www.icrc.org/ihl/intro/195?OpenDocument> access date: November 7, 2012

²¹² Rebecca Manski, (2007): The Scene of Many Crimes: Suffocating Self-subsistence in the Negev <http://rete-eco.it/2011/documenti/35-riflessioni/146-bustan-article-news-from-within-qthe-scene-of-many-crimes-suffocating-self-subsistence-in-t.html> access date July 1, 2014

²¹³ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 152

²¹⁴ Joseph L. Ryan (1973): Refugees within Israel: The case of the villages of Kafr Bir ’Im and Iqrit, *Journal of Palestine Studies*, vol.2 no.4, 62 <http://www.palestine-studies.org/enakba/exodus/Ryan.%20Refugees%20within%20Israel.pdf> access date: June 24, 2014

was about Syria and Israel, not about the Palestinian villagers.²¹⁵ The reason for this was that Syria was in a particular situation compared to the other Arab states. Israel had defeated all the Arab states in the 1948 war except for Syria, who they did not manage to push over the northern border front.

The armistice negotiations had been bilateral between Israel and the Arab states. Israel, with good diplomatic skills, were “insisting on basing the various negotiations on the borders [giving] them the best hand,” using the partition plan on some borders and the truce line on others.²¹⁶ Syria on the other hand was not willing to negotiate on Israeli terms. The United States had a special interest in Syria’s armistice negotiation with Israel. In 1949, the Syrian government was unorganized and the new President Shukri al-Quwwatli was not very western or Israel friendly. The situation in Syria changed when a coup took place with help of the US Central Intelligence Agency (CIA). The new government with the chief of staff of the Syrian army, Colonel Husni al-Zaim, as its leader was pro-western and anti-Soviet and was positive towards peace talks with Israel. This was just the way CIA wanted it.²¹⁷

The first attempt at armistice negotiations between Syria and Israel ended without results. Israel would not consider any less than Syria’s withdrawal to the old international borders, not considering the new truce line. On May 12, 1949, Bunche proposed to create a demilitarized zone under UN supervision, and on June 8, both Israel and Syria accepted a compromised agreement on the demarcation line. The question of sovereignty in the demilitarized zones was not clear in the agreement.²¹⁸ Bunche’s attempt to make peace by creating the demilitarized zones, at least until more permanent solutions could be implemented, turned out to be a foundation for conflicts and armed clashes.²¹⁹ Israel insisted that the demilitarized zone was Israeli territory and that they should restore normal civilian life. Israel did not want

²¹⁵ The Secretary of State to the United States Mission at the United Nations’ Washington May 17, 1951 - 7 p.m. Restricted, *FRUS* 1951, vol. V 688-96, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1951v05&isize=M&submit=Go+to+page&page=688> access date May 27, 2014

²¹⁶ Hilde Henriksen Waage og Petter Stenberg, “Cementing a State of Belligerency: The 1949 Armistice Negotiation between Israel and Syria”, *Forthcoming Middle East Journal* 2015,2

²¹⁷Ibid, 8

²¹⁸Ibid, 21

²¹⁹Ibid, 27

the UN to govern the zone. For Israel, it was important that Syria's troops disappeared from the demilitarized zone. Ben-Gurion's plan was to squeeze the Syrians out of the demilitarized zone and limit the influence of the UN so that the Israelis could establish settlements.²²⁰

The Huleh dispute illustrated how the UN and the US State Department prioritized when it came to individual properties and peace negotiations. It started in October 1950 when Israel initiated a working program to drain all of the malaria marshes north of the Huleh Lake. At least this was the Israeli explanation for draining the marshes. The main purpose was Israeli takeover of the demilitarized zone.²²¹ The draining to the south would cause the land of the Palestinian landowners in the demilitarized zone between Israel and Syria to be overflowed and was a violation of the armistices agreement. The Syrians protested on behalf of the Palestinian landowners to the Chairman of the Mixed Armistice Commission, General William E. Riley. He meant that the project harmed the Palestinians, ruled in favor of the Syrians and demanded that Israel stop the project. Israel ignored the rulings and instead escalated the project by expelling eight hundred Palestinians from three villages in the demilitarized zone.²²²

On April 4, 1951, Syrian soldiers opened fire on an Israeli patrol, killing seven Israelis. Israel answered by demolishing the three villages and bombed a Syrian army position nearby. The US State Department reacted and made Israel stop the aggression in fear of escalation to a full-scale war. Acheson recognized that if the US acquiesced to Israeli action, it would confirm the Arab charges of US acceptance of Israel's expansionism. Therefore, the State Department drafted a resolution for the UN Security Council that condemned the Israeli attack and stated that Israel had to stop the draining project and let the villagers return to their homes. At the same time, the US encouraged Syria not to accelerate the crises but rather have a "helpful and constructive attitude."²²³

²²⁰ Avi Shlaim, *The Iron Wall: Israel and the Arab world*, (London: Penguin books, 2000), 70-71

²²¹ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 152

²²² Hahn, *Caught In The Middle East, U.S. Policy towards the Arab-Israeli Conflict, 1945-1961*, 93

²²³ *Ibid*, 95

In May, the fighting resumed. The US was concerned about the conflict and to what it might lead and called upon the Security Council to make a resolution to end the hostilities. The resolution stated that in spite of Syria's provocation, it condemned Israel's airstrike on April 5, its disregard of the Mixed Armistice Commission's rulings and its maltreatment of the Palestinians. The Israelis complained that the resolution would strain the Israel-US relationship and award Syria's aggression. As so many times before, Israel's government tried to get its will by turning to Truman. Using political advisers sympathizing with Israel in the White House and others who had an influence on the American President, among them Truman's friend Weizmann, the Israeli officials tried to block the resolution. This time Truman did not bend, and the Security Council passed the resolution May 18.²²⁴ Truman told Acheson: "I [Truman] know nothing about the situation." The President let the State Department handle the situation.²²⁵

The Arab states gave the US credit for the support of the resolution. According to the US Minister to Damascus, Cavendish W. Cannon, "Arab League officials meeting in the Syrian capital were 'surprised and hearted' by tangible proof that [the] West [was] seeking justice in this instance."²²⁶ Sharett realized that by further complains, Israel could jeopardize US aid and other advantages and found it better to accept the resolution and adjust Israel settlement policy to each case and its timing. The IDF and the Knesset criticized Sharett for capitulating. Sharett tried to balance both domestic and diplomatic interest and asked to continue the draining process on Israeli side. Syria opposed, but General Riley approved the draining on the Israeli side. The dispute continued for months, and this time the concern included the 800 homeless Palestinians in the demilitarized zone. Acheson accused both parties for using the villagers as "pawns of national policy."²²⁷

4.4 Palestinians' request for help from Americans to regain lost property

There were Palestinians who fled the Israeli war of independence and tried to get the US government to help them retain their properties. Some of them had relatives in the United

²²⁴ Resolution adopted by the United Nations Security Council, May 19, 1951, *FRUS*, V 1951, 693-696

²²⁵ Hahn, *Caught In The Middle East, U.S. Policy towards the Arab-Israeli Conflict, 1945-1961*, 96

²²⁶ *Ibid*, 96

²²⁷ *Ibid*, 97

States, others had applied for and been granted American visas and therefore felt a certain connection to the United States. They were often better off than the refugees that were stuck in the refugee camps in the Arab neighboring states. Many of them had just locked their doors and left their well-equipped properties with the certainty of being able to return. These properties were valuable and cherished by the new Jewish state. By turning to the US government, these refugees hoped to get help. Contrary to their hopes, the representatives of the US government just forwarded their requests to the Israeli Embassy or to the Jewish Agency in the US, who in turn responded in the negative with political sophistication and were thus to no help.²²⁸

An example on US government inactivity at the expense of Palestinians requesting help to regain lost property was the letter from Assad S. Halaby to Senator Robert A. Taft on April 4, 1953. Halaby asked for “assistance with respect to a claim witch [he] and [his] wife [had] against the Government of Israel for certain real estate and movable property.”²²⁹ Halaby was a Christian Palestinian to whom the US had granted non-quota immigration visas for him and his family in 1951.²³⁰ He continued his letter by complaining that there was no interest in his case from the United Nations, and having the status of “absentees” under Israel law, the Administrator of Absentee Property had confiscated their property. The Absentee Property Law of 1950 defined all persons that were away from their homes since November 21, 1947 as absentees. Since Halaby and his family were seeking permanent citizenship in the USA and were not returning to Israel, he did not consider himself an absentee and claimed that the

²²⁸ Nathan Pinsky to Abba Eban, Washington D.C, July 31, 1952, ISA/RG 130/MFA/2491//5

²²⁹ D. Goitein to R.Taft, Washington D.C, April 4, 1953, ISA/RG 130/MFA/360/19

²³⁰ A non-quota immigrant is a foreigner who is admitted to a country as an immigrant without regard to numeral limitation. In 1924 a passage of a new federal immigration act in USA set a quota on Arab immigrants. The 1924 law represented a shift in American opinion away from the open immigration policies of the earlier era, limiting the entry of members of designated ethnic or national origin groups, to 2 percent of the numbers of those groups who had been counted in the 1890 U.S. census. This had the practical effect of further limiting the number of immigrants from Arab lands who could qualify for admission. The second wave of Arab immigrants, who came during the 1950's, brought a significant number of professional people seeking better conditions and followed employment opportunities to new homes, often creating an Arab presence where none had been before. These were often admitted a non-quota visa. (Brain-drain) <http://immigrationinamerica.org/351-arab-immigrants.html> access date June 25, 2014

Administrator should release his property. At the end of his letter, Halaby accused the United States, writing:

We ask for your help as a matter of justice, because the support given to Israel by the United States made possible the seizure of our home. We have two sons of military age, both of whom will be required to enter the United States Army shortly, and as they will eventually receive the property we feel that there is at least a humanitarian basis for your intervention. Anything you can do for us will be deeply appreciated.²³¹

Taft forwarded the letter to the Israeli Embassy and got a reply from Minister Plenipotentiary David Goitein that even if Halaby now lived in the United States, this gave him no other rights than fellow countrymen who were poorer and did not have the same possibilities. The allegation from Halaby that the US made it possible for Israel to seize their home did not go without notice. Goitein wrote at the end of his answer to Taft: “The absurdity and baselessness of this statement must be well known to you (Taft). It would not therefore seem that Mr. Halaby’s case is one which calls for any special act on your part.”²³²

The Jewish immigrants’ right to settle in Israel at the expense of the Palestinian refugees was by some US citizens justified. The property takeover by the new Jewish settlers did not seem to have much impact on the American public and their positive view of the newly created Israel. Not only did the American government ignore the injustice to the Palestinians and their loss of properties, so did part of the American public. A case in Acron, Ohio in 1952 gives an indication of this. Nathan Pinsky, who was Executive Director for the Acron Beacon Journal, wrote to Ambassador Abba Eban about an incident involving confiscation of a Palestinian property in Israel. According to Pinsky, the incident would be unfavorable for the Jewish people in the State of Israel and have “some serious repercussions for the Jewish community of Acron and the attitude of our non-Jewish community toward the State of Israel.”²³³ The whole matter was about a young man from Nazareth who went to study medicine in Beirut before 1947. After he had completed his medical training and degree, the Supreme Court of Israel on July 7, 1952 denied him return to Nazareth where the rest of his family still lived

²³¹ D. Goitein to R. Taft, Washington D.C, April 4, 1953, ISA/RG 130/MFA/360/19

²³² Ibid

²³³ Nathan Pinsky to Abba Eban, Washington D.C, July 31, 1952, ISA/RG 130/MFA/2491//5

and was relatively wealthy. The young Palestinian had other relatives in Acron, Ohio who were well known and respected in their community. The relatives wanted to publish the real reason for barring his return to Nazareth in the Acron Beacon Journal.

The Government of Israel [was] desirous of confiscating the property of this family, which [had] a rather extensive holdings, and that they [did] not want this young man to return because they [did] not wish to either compensate or relinquish, or release the property to be seized from the family.²³⁴

This was what was supposed to be the content of the article. The Acron Beacon Journal never published the story. Instead, Pinsky wrote to Eban saying that he was certain that the Israel government and the Supreme Court had their reasons for denying this man admission. He added that the newspaper was “quite anxious, from a public relations point of view, to do whatever [was] necessary to interpret the role that Israel plays on a positive basis as quickly as [they] possibly [could].”²³⁵

The two stories above show how the Palestinians tried to address the government of the United States and made an effort to enlighten the American people about the Israelis’ seizure of their properties through the media. These Palestinians had the capacity and the capability to do so, as opposed to the ones that were stuck in the refugee camps in the Arab States. Most of the times their voices were not heard. The United States made one last attempt to create justice in the form of return of Palestinian assets when it in 1952 negotiated for the release of the blocked Palestinian bank accounts.

4.5 The Blocked refugee’s bank accounts

Despite the Palestinians seeming to have lost most of their properties, the US State Department made one final effort to create relief for them. On May 5, 1952, the American representative to the PCC, Ely Palmer, met with Eban to discuss the Palestinian refugees’ blocked bank accounts. Israel and Egypt had discussed this in February 1950 and even agreed upon a solution, but nothing came out of it. In 1952, Palmer and Eban managed to facilitate an agreement that could prove to be a significant initiative: To release the Palestinian funds. An

²³⁴Nathan Pinsky to Abba Eban, Washington D.C, July 31, 1952, ISA/RG 130/MFA/2491//5

²³⁵ Ibid

estimated 20 000 to 30 000 of the Palestinian refugees had bank accounts in Israel that were blocked. Eban, on request from Palmer, asked the Israeli Government to consider releasing these funds, “As a manifestation of good-will on part of Israel.”²³⁶ Palmer told Eban that he was acting on behalf of the PCC, but that the US State Department had the same view. Eban wrote Sharett on May 8, stressing the importance to cooperate with the US since otherwise it could worsen the US-Israel relationship. In June, Israel told the US that it had revisited the issue of the blocked bank accounts and agreed to a gradual release.²³⁷ In return, Israel wanted the US to encourage the Arab States, especially Iraq, to release the blocked Jewish bank accounts. The PCC and Israel made an agreement in October 1952 that Israel would release about 20 percent of the refugees’ blocked bank accounts in December that year.

The number of applicants who wanted their bank accounts released was much lower than expected. The reason was suspicion among the refugees, initiated by the Arab leaders, that there was a hidden agenda behind the release of funds. If the refugees accepted, it would legitimize Israel’s seizure of their money and be an implicit recognition of the State of Israel. Another issue was the allegation that Israel had imposed a 10 percent levy on the refugees’ bank accounts before the release, and that accounts over 500 pounds had been transferred to the Custodian of Alien Property and been confiscated. The PCC and Palmer urged the Arab refugees to claim the released funds as the first installment and stated that by doing so they would not prejudice the claims to their remaining balances.

In a statement issued by the PCC on April 13, 1953, the committee admitted that the Government of Israel had officially informed them of the 10 percent charge, but only on accounts over 50 pounds. Israel had at the same time informed them that the “transfer of accounts over 500 pounds to the Custodian of Alien Property was for the technical purpose of facilitating the release of funds to account holders.”²³⁸ Israel’s answer to the accusation was “...that the release of these funds by the Government of Israel was only authorized as an act

²³⁶ Fichbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 98

²³⁷ The Secretary of State to Certain Diplomatic and Consular Offices, Washington May 15, 1952, *FRUS* 1952-54, vol. IV, 931

²³⁸ UN tells Arabs to ignore Anti-Israel move by Arab States, New York, April 12, 1953, ISA/RG 130/MFA/360/19

of good-will and there is no desire to force them upon anyone.”²³⁹ Sharett continued by stating, “Once again the plight of the refugees is being made a pawn in the economic and political warfare being conducted by the Arab Government against Israel with callous disregard to the interests of the refugees themselves.”²⁴⁰ Still, the release of the bank accounts became a milestone achievement for the PCC and the US in terms of returning Palestine property.

The bank account release was as close the PCC and the State Department came to returning Palestinian assets seized by Israel. The PCC did not succeed on repatriation or on returning Palestinian properties. Washington, acting in a way acceptable to Israel, had crippled the commission. By only considering compensation and resettlement as part of the solution, Washington prevented the PCC from using its own diplomacy whenever it contradicted that “red line”. Consequently, compensation became the only solution, and the Palestinian properties were lost to the people that once owned them.

²³⁹ Israel stand on release of Arab Accounts Clarified, New York, April 13, 1953, ISA/RG 130/MFA/360/18

²⁴⁰ Ibid

5 Compensation and the making of Israel's legal basis for property seizure

In 1948, Israel had created the legal framework that would be of great importance for the abandoned Palestinian properties. The Absentee Property Law would legalize the Israeli government's overtaking of the Palestinians' land. The United States early established the so-called "red lines" as part of its policy toward the Palestinian refugee problem. Not even the PCC would cross these policy boundaries. Stability in the region was important for the US because of the rivalry with the USSR concerning Middle Eastern allies. Resettlement of the Palestinian refugees in the neighboring Arab countries became the main goal for Israel and the US, and compensation for Palestinian lost properties was an instrument toward achieving this goal.²⁴¹

General Assembly Resolution 194 (III) called for compensation for the lost properties but did not answer the question of whom to compensate. Therefore, the UN and the PCC established different subcommittees to look after the refugees' rights. These subcommittees would try to conduct their research independently of the Arab-Israel conflict.²⁴²

5.1 The Transfer Committees

When the Palestinian refugees fled their homes, the Jewish leaders could not believe their luck. "It was a miraculous simplification of Israel's tasks," Weizmann said.²⁴³ Abandoning their homes, the refugees made room for the Jewish settlers who could build the new Jewish State.

How was the Jewish leadership to use this opportunity? Yosef Weitz was the director of the Jewish National Fund's Lands Department, who already from the 1930's had a vision of expelling all the Arab-Palestinians in favor of a genuine Jewish state in Palestine. In the

²⁴¹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 88

²⁴² Ibid, 84

²⁴³ Christison, *Perceptions of Palestine: Their influence on U.S. Middle East policy*, 85

spring of 1948, Weitz together with two other officials from the Jewish National Fund, namely Eliyahu Sasson, who became director of the Middle East Affairs Department, and Ezra Danin, a leading citrus-grove owner and a senior Haganah intelligence officer, established a self-appointed Transfer Committee. The Committee sought to find out how to prevent the return of the refugees.²⁴⁴

Weitz and his men wrote a memorandum with the title: *Retroactive Transfer, a Scheme for the Solution of the Arab Question in the State of Israel*.²⁴⁵ The memorandum described the actions necessary to prevent the refugees from returning to their homes, and it was shown to Ben-Gurion on June 5, 1948. It suggested the demolition of abandoned villages, resettlement of abandoned sites and prevention of the refugees' return. It also suggested enacting legislation "geared to barring a return."²⁴⁶ Ben-Gurion officially never agreed to the existence of the committee but in silence, he approved. Weitz was frustrated even though he understood that Ben-Gurion could not be associated with the committee and its function. That would jeopardize the reputation of the new Jewish state and Ben-Gurion's own standing in history.²⁴⁷ In August that same year, Weitz would head the Weitz-Danin-Lifshitz committee, this time an official Transfer Committee that would focus on resettlement for the refugees. The committee's final report concluded that no refugees were to return and the preferable solution was resettlement.²⁴⁸

5.2 The new legal framework for the abandoned properties

In the turbulent time from 1947 to the beginning of 1948, there were no regulations for the abandoned properties that originally belonged to the refugees. Haganah's Department of Arab Affairs together with Zionist agencies like the Histadrut's Agricultural Center coordinated the usage of abandoned fields.

²⁴⁴ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 12

²⁴⁵ Benny Morris, *The birth of the Palestinian refugee problem revisited*, 2. (Cambridge: Cambridge University Press, 2004), 349

²⁴⁶ Benny Morris, *1948 and after, Israel and the Palestinians*, 105

²⁴⁷ Ibid, 107

²⁴⁸ Ibid, 144

In June 1948, Israeli officials became concerned for the refugees' properties. Pressure from the international community for compensation or repatriation called for some form of action. Therefore, the new government of Israel decided to consolidate the military and civilian committees dealing with abandoned refugee properties into one. The Haganah committees and the committee for Abandoned Arab Property became the Arab Properties Department within the new Ministry of Minority Affairs.²⁴⁹

Already in July 1948, the Ministerial Committee for Abandoned Property, also called the Committee of Six, succeeded this Ministry. The committee included prominent politicians like Prime and Defense Minister Ben-Gurion and Foreign Minister Sharett, Finance Minister Elièzer Kaplan, Provisional Justice Minister Felix Rosenblueth (later Rozen), Provisional Minorities Affairs Minister Bekhor Shalom Shitrit, who later became Minister of Police, and finally Provisional Agricultural Minister Aharon Tsizling as the sixth member. The Committee's first deed was to transfer the responsibility for handling the abandoned properties to the Ministry of Finance and the Ministry of Agriculture. Inside the Ministry of Finance was the Office of the Custodian of Abandoned Property, which was the authority for all the abandoned properties.²⁵⁰

On July 15, Kaplan appointed Dov Shafir, who had headed a construction company of the Agricultural Center, as the first Custodian of Abandoned Property.²⁵¹ The Office of the Custodian was similar to what the British had established during World War II when they set up a custodianship of enemy property as an emergency regulation. This was to prevent the Germans to take advantage of properties in Palestine. The question remained whether the Palestinian refugees could be considered an enemy.²⁵²

²⁴⁹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 14

²⁵⁰ Ibid, 17

²⁵¹ Selwyn Ilan Troen and Noah Lucas, *Israel: The First Decade of Independence* (New York: State University of New York Press, 1995), 415

http://books.google.no/books?id=1Z73ADzNJAMC&pg=PA415&lpg=PA415&dq=Custodian+of+abandoned+property&source=bl&ots=vIPqWCBvz&sig=r6Z5fz-R2M_OwsDnIhlKyBMO3yk&hl=no&sa=X&ei=m48EVKrTGsXuyQPbm4GOBw&ved=0CDAQ6AEwAg#v=onepage&q=Custodian%20of%20abandoned%20property&f=false access date: August 30, 2014

²⁵² Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 23

The Office of the Custodian was supposed to hold on to the Palestinian refugees' properties until the Arab-Israel war was over. Meanwhile "the Custodian's office technically controlled refugee land although it continued the policy of empowering the Ministry of Agriculture to lease the land to cultivators for up to 35 months. Profits were turned over to the Ministry of Finance."²⁵³

The establishment of committees and ministries was not sufficient legal grounds for expropriation of the properties. The legal framework for the Israeli government's handling of the abandoned properties had to be considered carefully. The legislature therefore passed a series of laws that created the basis for the expropriation of refugee land. These laws were based on the British Mandate's Defense (Emergency) Regulation from 1945. The riots between the Jews, Palestinians and the British at this time made the British implement certain drastic regulations in order to control the situation. Both the Palestinians and the Jews opposed these regulations.²⁵⁴

In May 1948, when the British had left Palestine and Israel became a state, the provisional legislature of Israel declared a state of emergency and passed the *Law and Administrative Ordinance*, May 19, 1948. It states:

- a) If the Provisional Council of State deems it expedient so to do, it may declare that a state of emergency exists in the State, and upon such declaration being published in the *Official Gazette*, the Provisional Government may authorize the Prime Minister or any other Minister to make such emergency regulations as may seem to him expedient in the interests of the defense of the State, public security and the maintenance of supplies and essential services.
- b) An emergency regulation may alter any law, suspend its effect or modify it, and may also impose or increase taxes or other obligatory payments.²⁵⁵

²⁵³ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 19

²⁵⁴ *Ibid*, 22

²⁵⁵ Law and Administrative Ordinance,

<http://www.israelawresourcecenter.org/israelaws/fulltext/lawandadministrationord.htm> access date: September 3, 2014

On June 16, 1948, the Israeli government had decided that none of the refugees were to return for as long as the war lasted.²⁵⁶ On June 21, the *Abandoned Property Law* (Ordinance no. 12 of 1948) was passed. Its purpose was to regulate the circumstances of the abandoned properties. Three days later, the *Abandoned Areas Ordinance*, June 24, 1948 expanded Israeli jurisdiction. It gave the Israelis the powers not only to preside over abandoned properties but whole areas as well as movable assets that were abandoned. The third law was the *Emergency Regulations for the Cultivation of Fallow Land and the use of Unexploited Water Sources*, October 11, 1948. It gave the Agricultural Ministry the right to cultivate so-called wasteland, meaning that land that had been abandoned because of the war should not stay uncultivated but instead be used and cultivated. The Custodian should hold on to the profit on behalf of the owner of the land, and the land could only be rented for two years and eleven months. This limitation was later expanded into five years in 1949.²⁵⁷

5.3 Absentees' Property Law

The far most important of these new laws and a political breakthrough for the Committee of Six, but a disaster for the refugees, was the *Emergency Regulations (Absentees' Property)* of December 2, 1948. The members of the committee had, on August 20, 1948 decided on a plan to expropriate refugee land. From this day on, the Israeli government abandoned the current property policy and moved from leasing the properties to a new direction: "Israel was to separate the refugees from legal title to their land and use it instead for permanent settlement of Jewish immigrants."²⁵⁸

The new Absentee Property Law shifted the legal concept from an *abandoned* land to that of the owner being declared an *absentee*. The focus was no longer on the land but on the people who owned it. The legal definition of an absentee was much more than that of just being a refugee.²⁵⁹ The law was defined so that the land was no longer abandoned, meaning only under temporary control by the Israeli government. Instead, being declared an absentee, you

²⁵⁶ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 137

²⁵⁷ G. Meron to Mr. Anderson, July 4, 1951, ISA/RG 130/MFA/338/12, Note: The box and folder nr. might not be correct

²⁵⁸ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 19

²⁵⁹ G. Meron to Mr. Anderson, July 4, 1951, ISA/RG 130/MFA/338/12, Note: The box and folder nr. might not be correct

had *left behind* your land and left it “under Israeli control indefinitely. The alienation of the refugees’ property out of their hands thus allowed for the long-term uses of the land they left behind in Israel.”²⁶⁰

In a letter to UN Refugee Office member Holger Andersen, dated July 4, 1951, Dr. G. Meron, the Director of the Economy Division, answered Andersen on a question about “Arab Citizen”. “The term ‘Arab citizen’ [was] unknown to Israel law which does not distinguish between its residents on ethnic grounds.”²⁶¹ Meron could easily proclaim this because the law did not separate on ethnic grounds it only excluded the absentees. An absentee was defined as: (1) a citizen of Arab state after November 29, 1947; (2) someone who had traveled to an Arab country after November 1947; (3) someone who was in any part of Palestine that was not under the control of Jewish forces after November 29, 1947; and (4) someone who for some reason was away from their regular home even if the place they went to or their home was inside areas under Jewish control.²⁶²

Sharett had early recognized that if Israel should keep most of their conquered land, they had to word the law carefully. Therefore, the absentee property law included not only those who had left the country, but also those who stayed inside the borders.²⁶³ This law was enacted at the same time as the UN passed Resolution 194, December 11, 1948, which stated that those refugees who wanted to return should be allowed to do so, and those who did not return should be compensated. Neither UN resolution 194, the United States, who also opposed the Absentee Property law, or Truman, who at this was point fed up with Israel’s intransigence toward the refugees, could prevent the Israeli legislature from composing laws that allowed their government to take over the abandoned land.²⁶⁴ The US government admitted that these laws prejudiced the refugees’ rights and that the UN and the US were committed to safeguard the refugee’s properties, reflecting UN resolution 194.²⁶⁵ Before the Development Authority

²⁶⁰ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 22

²⁶¹ G. Meron to Mr. Anderson, July 4, 1951, ISA/RG 130/MFA/338/12 Note: The box and folder nr. might not be correct

²⁶² Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 21

²⁶³ *Ibid*, 22

²⁶⁴ The President to Mr. Mark F. Ethridge, at Jerusalem, Washington, April 29, 1949, *FRUS* 1949, vol. VI, 957

²⁶⁵ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 23

was established, the US government believed the laws was on “custodial function although one regulatory provision [did] permit sale with proceeds blocked.”²⁶⁶

The next step from the Israeli government was the establishment of the new Custodian of *Absentee* Property, which replaced the old Custodian of *Abandoned* Property. The new Custodian could lease the land for five years, but not sell it. Ben-Gurion wanted to sell the abandoned land to the Jewish National Fund on a permanent basis.²⁶⁷ This led to the enactment of the most important land law, the *Absentee Property Law* of 1950. It was passed on March 14, 1950 and stipulated the establishment of the Development Authority (*Transfer of Property*) Law 1950 on August 9, 1950. The de facto expropriation of absentees’ properties became legal by these two laws.²⁶⁸

The Absentee Property Law of 1950 was an expansion of the 1948 law. The law was expanded so that it was possible to seize as much land as possible. The law stated that the Custodian could confiscate any land to a person that qualified as an absentee after November 7, 1947.²⁶⁹ This meant *all* absentees, not only Palestinian-Arabs, but also Arabs that owned land in Palestine and also non-Arabs. Meaning, non-Arab absentees with a foreign citizenship that was not in Palestine after November 7, 1947, lost their land. These landowners had an easier time when it came to receive compensation. Also Jews were declared absentees if they qualified. It was important that the law did not appear to discriminate in that it did not distinguish between Arabs or non-Arabs. This way the Israeli government justified their action to the international society. Still, Jewish absentees were treated differently in that they usually would get their land back as soon as they immigrated to Israel.²⁷⁰ The law also forbade any “attempts by the refugees to liquidate their property in exile”.²⁷¹

²⁶⁶ The Secretary of State to the Special Representative of the United States in Israel (McDonald) at Tel Aviv, Washington, February 17, 1949, *FRUS*, 1949, vol. VI, 755

²⁶⁷ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 22

²⁶⁸ Absentees’ Property Law <http://unispal.un.org/UNISPAL.NSF/0/E0B719E95E3B494885256F9A005AB90A> access date: August 28, 2014

²⁶⁹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 24

²⁷⁰ *Ibid*, 24

²⁷¹ *Ibid*, 24

On March 10, 1950, Ambassador James G. McDonald was instructed by the US government to discuss with Israeli officials the rumors of Israel selling refugee land. On April 19, the Embassy in Tel Aviv responded, stating that the Government of Israel could not be deterred in exercising the privilege that was granted the Israeli legislature, adding that there had “not been an instance where the Custodian [had] disposed of real property by sale.”²⁷² According to the embassy, it was taking time to establish the State Development Authority. The Israeli government had not been able to make use of the new law. There were indications that the sales of absentee property would be limited.²⁷³ This argumentation was as close as the US came to protest the new laws.

The Custodian of Absentee Properties’ main task was to administrate and maintain the absentee properties, while the Development Authority was mandated to measure the value of the properties and sell it to the government or to the Jewish National Fund.²⁷⁴ In 1953, the final law dealing with absentee properties was legislated, namely the Land Acquisition (Validation of Acts and Compensation) Law of 5713/1953. This law stated that Palestinians inside Israel that had lost their land were entitled to compensation, not the refugees outside Israel. In combination, these laws made it possible for Israel to expropriate the Palestinians’ land.

5.4 The political and economic question of compensation

The State Department realized during the summer of 1949 and at the Lausanne conference that repatriation of all the Palestinian refugees was too complicated and that their focus had to be on resettlement and compensation. The Israelis insisted on discussing the property issue only in context of the whole Arab-Israel conflict. Israel had to consider restitution or

²⁷² Memorandum of Conversation by Mr. Stuart W. Rockwell of the Office of African and Near East Affairs, Washington, March 9, 1950, *FRUS*, 1950, vol. V, 792

²⁷³ *Ibid*, 792

²⁷⁴ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 26

compensation, knowing that this would be linked to the question of repatriation or resettlement.²⁷⁵

For the Israeli government, there was no question: resettlement was the only solution and thereby compensation. And “from the political point of view, the [US State] Department consider[ed] that failure to resolve the refugee problem would serve to perpetuate conditions of insecurity and unrest in the Near East.”²⁷⁶ Both the US State Department and the White House believed that stabilization in the Middle East was the main concern for the United States. The sooner the refugees were resettled, the better.

Giving up on repatriation as a solution that would make peace between the Arab nations and Israel in the close future, US Near East policy bent the way Israel wanted. For the United States, this became a financial matter.²⁷⁷ Who was to pay for the resettlement and the compensation? In May 1949, the State Department had estimated the cost to be a total \$267.5 million over a three-year period for resettlement and repatriation.²⁷⁸ This was when the negotiators at the Lausanne conference still hoped to repatriate 200 000 Palestinian refugees to their own homes.²⁷⁹ The exiting 520 000 refugees had to be resettled. For the Americans and the Israelis, Syria and Iraq seemed to be the countries that could absorb most of them and do so over such a short time as three years.²⁸⁰

The cost would be on the United States, international banks, the Export-Import Bank and other states and organizations. The international banks did not favor lending to Middle Eastern nations without any direct revenues such as oil royalties. Syria had only transit fees from the Trans Arabian Pipeline, an income of less than \$500 000 annually. The outcome was

²⁷⁵ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 363

²⁷⁶ The Secretary of State to the Secretary of Defense (Johnson), Washington May 4, 1949, *FRUS* 1949, vol. VI, 971

²⁷⁷ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 92

²⁷⁸ Memorandum on the Palestine Refugee Problem, Washington, May 4, 1949, *FRUS*, 1949, vol. VI, 984.

²⁷⁹ Johansen Tiller, Henriksen Waage “Powerful State, Powerless Mediator”, 515

²⁸⁰ Memorandum by the Coordinator on Palestine Refugee Matters (McGhee) to the Secretary of State, Washington, April 22, 1949, *FRUS* 1949, vol. VI, 937

that the United States would finance all costs remaining after the contributions from the others. Israel was expected to compensate \$30 million.²⁸¹

Table 1.1 US State Department Estimates of Israeli Compensation and Cost to Repatriate and Resettle Palestinian Refugees, 1949²⁸²

Expenses	Cost (\$US)
Repatriation of 200,000 refugees	30,000,000
Resettlement of 500,000 refugees	160,000,000
Direct and indirect work relief for refugees	27,500,000
Development projects in Arab world	50,000,000
TOTAL	267,500,000

To be Received From	Minimum (\$US)	Maximum (\$US)
Israeli compensation	30,000,000	50,000,000
International banks; Export-Import Bank	15,000,000	50,000,000
Other States, organizations	25,000,000	50,000,000
US (by reducing capital outlays)	150,000,000	117,500,000
TOTAL	220,000,000	267,500,000

5.5 The “Red Lines”

Admitting that the cost of compensation mainly would be on the United States and the world community, and not on Israel, the US State Department had already at this point set a course for how the compensation policy should work, namely the “red lines”. The main goal was to stabilize the region as quickly as possible by resettlement. The State Department’s solution for the refugee problem was confirmed in a briefing book entitled “The Palestine Refugee Problem”. The briefing book stated two policy recommendations that were of importance for the US government. First, how far was the US willing to pressure Israel on repatriation for a certain number of refugees? Truman had spoken to Weizmann about the refugees, but still

²⁸¹ Memorandum on the Palestine Refugee Problem, Washington, May 4, 1949, Secret, *FRUS*, 1949, vol. VI, 984

²⁸²Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 33

there was no cooperation from Israeli side on this. Second, the US would ensure a refugee program and “if there [were] not adequate loans forthcoming from the international and the Exim Banks, we [US State Department] intended to request our share as a grant from congress.”²⁸³ In this briefing book, compensation was never mentioned directly but rather the cost of setting up a working program that would resettle the refugees.²⁸⁴ President Truman recognized the need for the financial contribution and was willing to commit to it.²⁸⁵

5.6 The Clapp Mission

In the summer of 1949, the PCC created a subcommittee that was to focus on the technical aspect of the refugee problem. The Technical Committee started its work on June 22, 1949 and focused on Arab-Israel cooperation for a solution to the compensation question.²⁸⁶ Nothing came out of the committee’s effort. The PCC had been set up to be a committee where the members were to act independently of their government’s policy, but the US dominated the committee, and with France and Turkey as US allies, Washington policy influenced the decisions made by the committee.²⁸⁷

An important complementary body to the PCC was the United Nation Economics Survey Mission for the Middle East, also known as the Clapp Mission. It was established on August 23, 1949. An American headed this body too, namely Gordon R. Clapp. He was Chairman for a Depression-era Governmental project and took time off to work for the PCC. The remaining members were the French diplomat Eirik Labonne, Sir Desmond Morton, also a diplomat, from the United Kingdom, and finally Turkey’s Minister of Public Works, M. Cemil Gökçen.

The Clapp Mission was designated to investigate the refugees’ properties but went far beyond this in its research. It stuck to the US line and came up with a general regional development

²⁸³ Memorandum Prepared Presumably in the Office of the Coordinator on Palestine Refugee Matters (McGhee) Washington, May 2, 1949, *FRUS* 1949, vol. VI, 964

²⁸⁴ Memorandum by the Coordinator on Palestine Refugee Matters (McGhee) to the Secretary of State, Washington, April 22, 1949, *FRUS* 1949, vol. VI, 937

²⁸⁵ Memorandum of Conversation With the President, by the Secretary of State, Washington May 2, 1949, *FRUS*, 1949, vol. VI, 965

²⁸⁶ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 96

²⁸⁷ *Ibid*, 90

plan that promoted resettlement of the Palestinians in the neighboring Arab countries.²⁸⁸ Clapp himself, after traveling in the Middle East, became “aware of the deep emotional attachment the Arab world had to the Palestine refugees and the great hostility to any solution to their plight that appeared to compromise their rights to repatriation and/or compensation.”²⁸⁹ The UN Resolution 194 (III) on December 11, 1948 states:

That the refugees wishing to return to their homes and live at peace with their neighbours [sic] should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those 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 the Governments or authorities responsible.²⁹⁰

Even if the US were to seek resettlement instead of repatriation for the Palestinian refugees in order to create peace in the Middle East, Clapp warned his government that it could not disregard Resolution 194. Still, the Clapp commissions stuck to the plan and worked on how best to resettle the refugees. Clapp believed that when the refugees got the opportunities to work or get a livelihood, they would soon realize that their future was in the place they were located.²⁹¹

The first Interim Report of the United Nations Economic Survey Mission to the PCC suggested a working program that would employ the refugees and create positive economic growth for the hosting countries.²⁹² In the mission’s final report, which was released to the PCC on December 18, 1949, it concluded that the proposal made in the First Interim Report for a working program had been conducted and approved by the General Assembly by

²⁸⁸ Michael R. Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, 37 <http://www.jstor.org/stable/10.1525/jps.2002.31.2.34> access date: August 10, 2014

²⁸⁹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 103

²⁹⁰ The UN Resolution 194 (III) December 11, 1948, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement> access date: September 1, 2014

²⁹¹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 104

²⁹² The United States Representative at the United Nations (Austin) to the Secretary of State, “Editorial notes” The First Interim Report of the United Nation Economic Survey Mission for the Middle East, New York November 5, 1949, *FRUS*, 1949, vol. VI, 1475

Resolution 302 IV, December 8, 1949.²⁹³ Therefore, the United Nation Relief and Works Agency for Palestine Refugees (UNRWA) was established on December 8, 1949.

Compensation was not mentioned in either of these reports.²⁹⁴

The State Department, being satisfied with the outcome of the Clapp Mission's work, put forward the question of who was going to pay for the working program. As they saw it, it would begin lobbying Congress for the funds. "The main tune of the lobbying [would] be that Clapp's report [was] a substitute for an unconstructive expenditure for aid and relief to the refugees, and that by financing Clapp's project no other money [would] be requested."²⁹⁵ Truman was positive to UNRWA and the effort to integrate the refugees into the local economy. "In a letter to Congress dated January 30, 1950 he recommended that the United States contributed \$27.45 million which was one-half of the 54.9 million estimated by the General Assembly as necessary to operate the relief and work program for the estimated eighteen-month program."²⁹⁶ The State Department and Truman agreed that the relief and work program did not solve the Arab-Israel disagreement on repatriation or resettlement but would help integrate the refugees into the local economy, and there would be need for no more international assistance for direct relief. "It [would] pave the way for future resettlement for many of these people."²⁹⁷

Clapp, in addition to the final report, had privately suggested a plan that included compensation. The most ambitious measure in his private plan was that the PCC would appoint a "Refugee Property Trustee". Both the Israelis and the US rejected this proposal. The PCC also ended up rejecting the idea by considering it too ambitious at the time. The question of a Refugee Property Trustee would later re-surface in the PCC's efforts for Arab-Israel conciliation. Still, the PCC accepted Clapp's suggestion to "make its own [PCC's] 'appraisal'

²⁹³"Editorial notes" The Final report of the United Nation Economic Survey Mission for the Middle East *FRUS*, 1949, vol. VI, 1549; Report from Sholom. Newman on Arab Refugee Camps, November 11, 1953, ISA/RG 130/MFA/360/18 note: box and folder nr. might not be correct

²⁹⁴ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 111

²⁹⁵ E. Elath to M. Comay, December 9, 1949, ISA/RG 130/MFA/347/23 E

²⁹⁶ Memorandum by the Acting Secretary of State to the Executive Secretary of the National Security Council (Lay), Washington February 27, 1950, *FRUS* 1950, vol. V, 764

²⁹⁷ *Ibid*, 764

of the value of the abandoned property.”²⁹⁸ The nature of the PCC would change after this in that it split into subcommittees that worked on the valuation of the refugees’ properties.

5.7 The PCC Refugee Office

In 1950, it became clear that the Israelis through the Custodian of Absentees’ Property had sold some of the refugees’ properties. The Arab delegation to the UN asked the General Assembly to create protection for these properties, and the General Assembly established the PCC Refugee Office by Resolution 394 (V) of December 14, 1950. The core of the Refugee Office consisted of Holger Anderson from Denmark, who became the director, Dr. Rene Servoise from France as the economic advisor, Tevfik Erim from Turkey serving as the legal adviser and John. M Berncastle from Britain, who was the office’s land specialist. The first three were originally set out as a three-man team for the Committee of Technical Experts on Compensation, but the PCC transformed that committee into the Refugee Office.

The Refugee Office was to make an estimate of the value of the refugees’ property. It started its work in Jerusalem on May 22, 1951, where Berncastle did the research for the estimate. “He based his figures on the ‘existing use value plus normal development value’ of the land at a given date, which he chose as 29 November 1947 [sic], the date of the UN General Assembly partition resolution.”²⁹⁹ Berncastle’s idea was to produce a global estimate of the value of the refugee’s property. He worked on the *Village Statistics* of the Mandatory Government from 1945, “which divided agricultural land into seventeen categories for taxation purposes, and specified with regard to each village whether the land was owned by Arabs, Jews or others.”³⁰⁰ His report on August 14, 1951 called “Valuation of Abandoned Arab Land in Israel” satisfied neither the Arabs nor the Israelis.³⁰¹

²⁹⁸ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 108

²⁹⁹ Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, 34-50,

<http://www.jstor.org/stable/10.1525/jps.2002.31.2.34> access date: August 15, 2014

³⁰⁰ M.S.Comayto Hakirya to Mr. Arthur Lourie, New York, June 20, 1951, ISA/RG130/MFA/339/7

³⁰¹ Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, 34-50

<http://www.jstor.org/stable/10.1525/jps.2002.31.2.34> access date: August 15, 2014

The next year, Berncastle came up with a new compensation plan, which was similar to Clapp's personal suggestion two years earlier, including a Refugee Property Trustee. Berncastle suggested that the UN established a financial group that would create a \$50 million fund and that the Israeli Custodian of Absentee Property would hand over the refugee's land to the fund. Compensation would then be paid to the refugees from the fund, which raised the money by selling title to the land to the "Israeli government, the Jewish National Fund and Jews throughout the world, with Israel to make up any losses."³⁰² The Israelis rejected the plan and nothing further came of it.

5.8 Israel's counter-claim and compensation recipients

Israel never refused to pay any compensation, but it wanted to link the whole compensation question up to the Arab-Israel peace agreement. This was contrary to the PCC, which thought that if there were to be any hope of obtaining results on conciliation, it would have to separate the two issues. Even though Israel refused Berncastle's compensation plan, the Israeli government did not consider his estimate to be too far from its own on what was necessary to pay in compensation in order to avoid repatriation. Berncastle had estimated \$280 million in 1951 dollars; the Israelis had estimated \$228.2 million in 1951 dollars.³⁰³

There were certain criteria for Israel to negotiate for compensation. First, Israel had to have influence on the "amount of the Israel Government's liability"³⁰⁴. The compensation for the Palestinian properties could not be based on market value because of the revolutionary changes that had occurred in Israel. "It would require an exhaustive analysis of the whole economic life of the State."³⁰⁵ Compensation, according to Israel, had to be based on the value before November 1947 and seen in context of Israel's counter-claims to the Arab Governments, "taking into consideration the fate of Jewish property in Iraq and so forth."³⁰⁶ The cost of settling Jewish immigrants also had to be taken into consideration. Then the method of payment was another question. The options discussed between Israeli officials and

³⁰² Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, 40
<http://www.jstor.org/stable/10.1525/jps.2002.31.2.34> access date: August 15, 2014

³⁰³ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 132

³⁰⁴ M.S. Comay to Mr. Arthur Lourie, June 20, 1951, ISA/RG 130/MFA/339/7

³⁰⁵ M.S. Comay to Mr. Arthur Lourie, July 5, 1951 ISA/RG 130/MFA/339/8

³⁰⁶ M.S. Comay to Mr. Arthur Lourie, June 20, 1951, ISA/RG 130/MFA/339/7

the Refugee Office included an international loan and raising the money by German compensation for World War II.³⁰⁷

5.9 The Lif Committee

On October 20, 1949, the Israeli government created the Committee to Examine the Issue of Compensation for Absentee Property also called the Lif Committee. The head of the commission was Zalman Lifshits, who was a JNF man and had worked with Weitz. The committee focused mainly on compensation, and the research that was done not only set the course for Israel's compensation policy, but also sought to find out whether the "refugees still possess[ed] the rights of title to their sequestered land, and [whether] the UN resolution calling for compensation [was] legally binding for Israel?"³⁰⁸

After four months, the committee's report concluded that the Palestinian's flight had been a military and political strategy of the Arab States. It also stated that the abandoned properties had been neglected by the state up until that point. Finally, the committee stated that the Absentee Property law from December 2, 1948 "did *not* pass legal title to the refugee's land to the state."³⁰⁹ The title to the land could only be transferred to the state if a final settlement for the refugees' properties were achieved or if a new law, "specifically annulling the property rights of refugees [was] legislated."³¹⁰ The *Absentee Property Law* of 1950 became the solution.

5.10 The US recognizes compensation as the solution

From September to November 1951, the PCC arranged for a conference in Paris where the parties were to try to agree to a solution to the refugee problem. Instead of letting the Arab States or Israel's delegation take the initiative to a negotiation, the PCC used Berncastle's estimates for the losses of the refugees' properties as a starting point. The committee put forward the Refugee Office's Preliminary report on September 7. It dealt with the

³⁰⁷ Ibid

³⁰⁸ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 149

³⁰⁹ Ibid, 149

³¹⁰ Ibid, 150

compensation question and recommended creation of an authority to oversee the Israeli Custodian of Absentee Property and give permission prior to selling refugee land.³¹¹

Additional solutions for compensation were brought to the negotiation table in Paris. The Paris conference was not so much a negotiation between Israel and the Arab States as it was between Israel and the US. For Israel, it was important not to admit any blame for the refugee situation in order to minimize the compensation cost. It was also important for Israel to make sure that they would not be responsible for individual compensations, but rather have the PCC create a fund that would be responsible for this. Israel could not afford to pay the total compensation that Berncastle had estimated, thus it was important that the US and the international banks realized that the compensation from Israel only could be *derived from* this estimate. In reality, Israel did not have the ability to pay, and the bulk of compensation would come from USA.³¹²

The conference in Paris did not solve the compensation problem. Still, Berncastle traveled for two years in the Middle East collecting facts about the refugees' properties. Israel did not consider individual compensation at all. One reason for this was that Israel's government was afraid that most of the compensation would go to the wealthy Palestinians, not to the masses. Israel wanted to integrate the masses into the neighboring Arab countries, helped by the compensation.³¹³

Both Israel and the US State Department knew by this time that repatriation was out of the question. The dilemma for the Palestinians that had fled from their homes was that if they accepted the compensation, they would "nullif[y] their right to repatriation."³¹⁴ The US admitted that compensation would be instead of repatriation. The Israelis deemed that when the Custodian of Absentee Property took over the refugees' properties, they no longer belonged to the Palestinians, but to Israel. The Palestinians argued that they owned the land

³¹¹ Ibid, 131

³¹² Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 132

³¹³ Ibid, 153

³¹⁴ Ibid, 364

and that the Israelis at least should pay a “rent” for the income on the land. This would be a way of receiving compensation without admitting that they had given up their rights for their land. The US chose to recognize Israel as the legal owner of the land, but that Israel had to compensate the former Palestinian owners.³¹⁵

³¹⁵ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 363

6 Epilogue – the 1950ies

During the early 1950ies, the US State Department tried to find a solution for the problem of compensation to the Palestinian refugees. Stabilization in the Middle East was important to the Americans. In May 1950, the United States, France and Great Britain made a non-aggression agreement related to the arms trade to the Middle Eastern nations. They signed the Tripartite Declaration on May 25. This agreement intended to stabilize the relationship between Israel and its Arab neighbors by “condition arms sales to Middle Eastern states on their willingness to pledge non-aggression.”³¹⁶ By that, the nations would only be allowed to maintain, “a certain level of armed forces for the purposes of assuring their internal security and their legitimate self[-]defense.”³¹⁷

The agreement undermined the PCC and its efforts to establish a permanent peace settlement. In addition, it was a *de facto* recognition of the post-war armistice borders that favored Israel. Despite this, the US did not try to make a more lasting peace between the belligerents, and Israel was in no hurry as long as she benefited from the agreement.³¹⁸

At the same time as the Tripartite Declaration was signed, President Truman entered into another war. In June 1950, the Korean War broke out, and the US had to shift its foreign policy priority. The Korean conflict reflected the geopolitics of the Cold War, and the United States stood against communism, with the USSR and China as its enemies. The United States’ foreign policy was challenged by the crisis that overshadowed the conflict in the Middle East. For the United States, the Cold War made it important to keep its allies and preferably gain new ones. Israel had always had a Western attitude, but knowing that a great number of Eastern European Jews had immigrated to Israel, Truman had asked Ben-Gurion whether Israel was about to become a “red state”.³¹⁹

³¹⁶ Johansen Tiller, Henriksen Waage, “Powerful State, Powerless Mediator”, 517

³¹⁷ Ibid, 517

³¹⁸ Ibid, 517

³¹⁹ Sayigh, and Shlaim, *The Cold War and the Middle East*, 159

Israel was quick to recognize United States' desire for allies and used the opportunity to improve its relationship with the US. Israel supported the UN intervention in the Korea War and "[identified] with the Western powers, to the extent of entertaining the dispatch of Israeli troops to help the UN forces in Korea."³²⁰ This paid off. The US adopted a new stance and became more conciliatory toward Israel. Still, compensation for the overtaking of abandoned refugee land was an issue, and the US meant that Israel had economic and political obligations to pay compensation.³²¹

In February 1953, the first transfer of refugee land from the Custodian of Absentee Property, to the Development Authority had taken place. The Custodian of Absentee Properties' main task was to administrate and maintain the absentee properties, while the Development Authority was mandated to measure the value of the properties and sell it to the government or to the Jewish National Fund. The Arab states lodged an official complaint to the UN. The United States had to renew their thinking about the Palestinian refugees' properties and compensation.³²² The final and best idea the State Department came up with was to create an international financial corporation for compensation and resettlement. The corporation would pledge Israel "to pay the corporation in annual installments."³²³ It was hard to say if Israel would be able to pay back the money it owed to the corporation, but according to US diplomats "such losses to the United States would nonetheless be acceptable because of the overall solution would lead to the solution of the refugee problem."³²⁴

Nothing came out of the State Department's proposal, but an idea had taken place, if not in the Israeli or American minds, so in the Arab minds. The Arab states rekindled Clapp's idea from four years earlier with the aim to establish a UN property custodian that would safeguard the refugees' properties. This way the refugees would not lose title to their land and

³²⁰ Sayigh, and Shlaim, *The Cold War and the Middle East*, 160

³²¹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 110

³²² Ibid, 220

³²³ Ibid, 221

³²⁴ Ibid, 222

the UN would safe keep the income from their abandoned properties. The effort by the Arab States did not lead to any UN resolution, but the idea would for many Palestinians become a principle in the years to come; property restitution, not property compensation.³²⁵

During the 1950s, there was a change of Presidency in the US, and for the Americans, the Cold War was getting colder and access to Arab oil supply continued to have top priority. US Middle East policy did not include the refugees. Republican President Dwight Eisenhower succeeded President Truman in 1953 and had other perceptions than the previous president. “The Palestinians never figured in Eisenhower’s strategic calculations – or most likely, in his consciousness at all.”³²⁶ On the Arab-Israeli conflict, President Eisenhower thought it was important to be “friendly with both sides”.³²⁷

Israel had accepted their liability for compensation to the refugees, but only by certain criteria. At a meeting that took place in Tel Aviv on May 13, 1953 between Secretary of State John F. Dulles and Foreign Minister Moshe Sharett, Sharett stated that Israel came to possess the refugees’ land as a result of the Arab-Israel war, and that Israel had not been the aggressive part. Sharett also opposed individual claims from the refugees. Israel would rather prefer a “lump sum payment into [an] international fund to be used in connection [with an] overall plan for refugee settlement ‘rather than frittered away piecemeal’”.³²⁸ Both the US and Israel agreed on this design, the main purpose was to resettle the masses of the refugees.³²⁹

The new US administration saw Israel as an impediment to suppressing Soviet influence and to access to cheap oil from the Arab nations. Therefore, Eisenhower excluded Israel from the Western-led regional defense alignments and gave the Israelis no American weapons. The US also “repeatedly rebuffed [Israel] pleas for security guarantees; pressured her to reach an

³²⁵ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 224

³²⁶ Christison, *Perceptions of Palestine: Their influence on U.S. Middle East policy*, 97

³²⁷ Ibid, 97

³²⁸ Memorandum of Conversation, Prepared in the Embassy in Israel, Tel Aviv, May 13, 1950, *FRUS* 1950, vol. IX, 30

³²⁹ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 220

accommodation with Egypt at the price of surrendering her southern part of the Negev...[and] forcing Israel to withdraw from Sinai following the 1956 Suez War.”³³⁰ For the Palestinian refugees, President Eisenhower’s not so friendly attitude toward Israel did not help them. Their situation had been unchanged since the 1948 war. Instead of repatriation and compensation, the refugees became shattered all over the Middle East. In the eyes of the US government, the Palestinians were a “disruptive mass of refugees.”³³¹ The US kept ignoring the true dimension of the Arab-Israel conflict, namely that it arose from Jewish immigrants dispossessing a local majority population.

³³⁰ Sayigh and Shlaim, *The Cold War and the Middle East*, 161

³³¹ Christison, *Perceptions of Palestine: Their influence on U.S. Middle East policy*, 97

7 Conclusion

US policy deterred from its original objective to safeguard the Palestinian refugees' right to return or receive compensation for their lost properties. For the US government it was important to establish stability in the Middle East, and the US ended up recognizing Israel as the owner of the abandoned Palestinian land. It had failed to implement a policy that made Israel repatriate the refugees and give back their properties. The US retracted when Israel refused to yield on its non-return policy. The Palestinian property issue was left to the UN, and the United States instead financed the UN aid programs for the refugees.

Throughout his presidency, Truman conceded to Israeli demands. The White House's overruling of the State Department had negative consequences for the Palestinian refugees and their goal to return to their homes. The PCC, too, failed to solve the underlying problem: repatriation for the refugees or resettlement and compensation for the land that the Israelis overtook. The PCC did not fail by lack of trying but because of the absence of US pressure on Israel.

When President Harry S. Truman supported a Jewish state in Palestine, the US became deeply involved in establishing a "new country in a foreign land with an indigenous majority population"³³². After the United States had approved the Partition Plan in 1947, President Truman had to reverse his policy on partition. In January 1948, the State Department, realized that the partition policy in Palestine could not be implemented without violence. The plan was to convince the UN Security Council to bring the Palestine conflict back to the UN. But the damage was already done. US *had* supported the Partition Plan and indirectly enabling to the unforeseen arising refugee problem and the Jewish seizure of Palestinian properties.

It was important for Truman not to be seen as a faltering President. He therefore emphasized that the adoption of a trusteeship was not the same as abandoning his stand on the partition. As soon as the bloodshed in Palestine was over, the partition could be established. On the

³³² Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 3

other hand, Truman had promised his old friend Chaim Weizmann, who was to become Israel's first president, that there would be no change in US policy toward Palestine. The whole matter became an embarrassment for the President, who blamed the State Department for "pulling the rug from under his feet."³³³ Truman reversed his stand on partition, not so much because of pressure from the State Department, nor because he had changed his mind on the Jews' right to a home in Palestine, but because he truly tried to do what was best for the United States. The State Department would later experience that Truman was not an easy man to convince. The President made bold decisions and was inexperienced on foreign policy, and that did not always turn out in the best interest of the United States.

Up until late 1949, Truman and the State Department pulled in different directions when it came to solving the question of Palestinians right to return to their homes. That is to say, Truman, to the benefit of Israel, retracted from politics that in any manner required Israel to take steps that would contribute to a successful conclusion of the problem.

US domestic policy had a direct impact on the Jewish expropriation of the Palestinian properties. In 1948, Truman ran for office and needed the votes from the Jewish community in America. For the President, the Israel lobby became important for his domestic policy and his presidential election. "American politicians and policymakers may occasionally need to bow before the false gods of domestic politics and a virtuous foreign policy".³³⁴ This was also the case for Truman. He needed the Jewish votes in New York to win the 1948 presidential election. And by promising the Zionists his support for the Jewish state, Truman would receive support from the Jewish society and other Americans who supported the creation of a Jewish state in Palestine.

³³³ Robert J. Donovan *Conflict and Crises: The Presidency of Harry S. Truman, 1945-1948*, (New York: W.W. Norton, 1977), 376, see also Margret Truman, *Harry S. Truman*, (New York: William Morrow & Company, Inc., 1973), 388

³³⁴ Review by Andrew Preston, John. J Mearsheimer and Stephen M. Walt, *The Power of Ethnic Groups in the Making of American Foreign Policy* (New York: Farrar, Straus and Giroux, 2007) (Harvard) <http://h-diplo.org/roundtables/PDF/IsraelLobby-Roundtable.pdf>

The recognition of Israel caused frustration in the State Department, which blamed Truman for basing his decisions on domestic rather than international considerations. Despite this probably being the case, there are indications that Truman truly believed the Jews should have their own state and did what his conscience told him, not having only poll results or ratings on his mind. The outcome was the Arab-Israel war, and hundreds of thousand Palestinian fled from their homes, leaving their properties to be resettled by Jewish immigrants.

In mid-1948, the State Department urged Truman to act on the Palestinian refugee problem, which had become a humanitarian problem. To help the refugees, the UN established a thirty-two-million dollar refugee-relief program, and the US Congress was convinced to raise half of the money. This was to become a key issue for the Americans. The US was to contribute more funds to the Palestinians than any other nation in the UN. It seems as if the US was buying time in order to find out how to handle the problem of repatriation for the Palestinians and come to a final peace settlement. At this point, the Arab states only considered repatriation as the solution for the Palestinians. The US State Department wanted repatriation as soon as possible for US national security reasons. The crisis could cause Soviet interference, which was undesirable. The individual Palestinian properties were at this time not even in the political discussion. The American government and the United Nations considered the Arab-Israel war to be the basic problem to solve, and then the refugees could return to their properties. In the meantime, the US would aid the refugees.

The Americans were getting tired of Israel's intransigence on the refugee issue. In August, James McDonald, the first US ambassador to Israel, told Ben-Gurion, the new Prime and Defense Minister of Israel, that if Israel did not reconsider and take back a substantial number of Palestinian refugees, the US would consider sanctions against Israel. At the end of 1948, Truman, too, embraced the solution that Israel had to repatriate the refugees and give back their properties. Stability in the Middle East region was what the American wanted. The State Department worried about losing access to Arab oil resources and that the refugees would become a tool for communism, thus posing a threat to the pro-Western Arab nations.

The US warning to Israel did not stop the Israeli expansionism after the 1948 war. The Jewish settlers harvested the Palestinian refugees' crops, and the US criticized this but failed to recognize that Israel's political motive was to acquire the properties. Thus, the Israelis used un-harvested crops as a plausible reason for taking over Palestinian land. When the US did not sanction Israel and instead aided the refugees, the Israelis were free to use the refugees' properties to settle new Jewish immigrants.

The United Nations established the Palestine Conciliation Committee (PCC) on December 11, 1948 with Mark F. Ethridge from USA as its leader. In an effort to conciliate the Arab states and Israel, the PCC arranged a peace conference in Lausanne, Switzerland from April to September 1949. The committee had the backing from the US, and in the beginning, Ethridge kept a close connection to the Truman government, even if the UN committee members were not supposed to be influenced by their own nations. This practice would continue, and the US would put pre-selected Americans in key positions in the UN committees that handled the Palestinian question.

Shortly before the Lausanne conference in April, Ethridge told Truman that the Israelis had no intention of letting the refugees return to their homes. Truman, who at this point was disgusted with how the Jews treated the Palestinian refugees, approached Ben-Gurion but to no use. The Israelis answer was that "they intended to bring about a change in the position of the United States Government... through means available to them in the United States."³³⁵ The State Department responded by suggesting that the US withheld \$49 million from a \$100 million Export-Import Bank loan to Israel unless Israel took back at least 200 000 refugees. After the State Department's threat to Israel, it received a message from the White House to the effect that the President "wished to dissociate himself from any withholding of the Ex-Im bank loan."³³⁶ The Zionists had once more made president Truman change his mind.

³³⁵ "Memorandum by the Acting Secretary of State to the President", Washington May 27, 1949, *FRUS 1949*, vol. VI.1061, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1949v06.p1077&id=FRUS.FRUS1949v06&isize=M>, access date: April 22, 2014

³³⁶ Neff, *Fallen Pillars: U.S Policy towards Palestine and Israel since 1945*, 77 and George McGhee, *Envoy to the Middle World: Adventures in Diplomacy* (New York: Harper & Row, 1983), 37

Israel applied for membership in the UN, was not admitted the first time, but applied again in February 1949. Ethridge and the State Department believed that it was possible to hold the UN membership-ticket hostage to make Israel reconsider its refugee policy. President Weizmann interfered and wrote a letter to Truman about the UN membership question. Israel did not accept to the internationalization of Jerusalem, but by yielding on the Jerusalem issue, President Truman was satisfied. The Jerusalem problem gave priority to the matter of the Palestinian refugees returning to their properties. On May 11, 1949, Israel became a member of the United Nations without yielding on its rejection to repatriate the Palestinians.

Truman's inconsistency frustrated the Americans at the UN. They had a hard time explaining their own government's decisions. Ethridge was fed up with Truman sabotaging the PCC. He meant that if US was not ready to sanctions Israel for not obeying the directions to the UN, "they might as well throw the United Nation out of the window."³³⁷

The Lausanne conference went nowhere, and the Israelis understood that they had to present some proposal for repatriation to placate the United States. Truman himself had told the Jewish leaders what he thought of Israel's uncompromising attitude. Instead of announcing officially that Israel was willing to repatriate 100 000 Palestinian refugees, President Truman was early and surreptitiously asked about the proposal, and he found it a good start for negotiation between the belligerents. The offer to repatriate 100 000 refugees was not as well received among the other participants in Lausanne. Secretary of State Dean Acheson was tired of the "take it or leave it attitude" from Israel, and the Arab states rejected the proposal.³³⁸ By trying to overturn the decision by turning Truman against the State Department, the Israeli government made matters worse for itself. Truman became so furious that he suspended the \$49 million balance of Israel's \$100 million Export-Import Bank loan. By acting together, the White House and the State Department were able to counteract the Israeli position.

³³⁷ Johansen Tiller, Henriksen Waage, "Powerful State, Powerless Mediator" 518

³³⁸ Henriksen Waage, *Konflikt og stormaktspolitikk i Midtøsten*, 147

After the failure of the Lausanne conference, US policy had moved from repatriation to resettlement because of the failure to conduct a policy that would force the Israelis to repatriate the refugees and return their properties. The US government conceded that resettlement for the refugees was going to be the solution, and instead of repatriation, there had to be compensation. After this, the US made sure that the PCC focused on technical issues relating to compensation. “From the political point of view, the [US State] Department consider[ed] that failure to resolve the refugee problem would serve to perpetuate conditions of insecurity and unrest in the Near East.”³³⁹ The sooner the refugees were resettled, the better.

Washington established the “red lines”, which were undeclared parameters intended to guide the PCC in the way Washington found fit. The “most important of these were that repatriation was not feasible and that refugee compensation must be in lieu of repatriation.”³⁴⁰

The State Department’s solution to the refugee problem was confirmed in a briefing book entitled “The Palestine Refugee Problem” where two main issues were presented. First, how far was the US willing to pressure Israel for repatriation on a certain number of refugees? Second, the US would ensure a refugee program and “if there [were] not adequate loans forthcoming from the international and the Exim Banks, we [the US State Department] intended to request our share as a grant from congress.”³⁴¹ President Truman recognized the need for the financial contribution and was willing to commit to it. This shows that the State Department also had given up on repatriation and endorsed the White House policy on the Palestine property question. The State Department’s concern was foremost that policy was made in the best interest of the United States and that the US policymakers did not yield from

³³⁹The Secretary of State to the Secretary of Defense (Johnson), Washington May 4, 1949, *FRUS* 1949, vol. VI, 971

³⁴⁰Fischbach, *The United Nation and Palestinian Refugee Property Compensation*, 36
<http://www.jstor.org/stable/10.1525/jps.2002.31.2.34> access date August 15, 2014

³⁴¹Memorandum Prepared Presumably in the Office of the Coordinator on Palestine Refugee Matters (McGhee), Washington, May 2, 1949, *FRUS* 1949, vol. VI, 964

their stance. The displaced Palestinians had become an obstacle to the stability in the region, and it was important to settle the problem without “rocking the boat” too much.

Even if the refugee problem was closely interconnected with the Arab-Israel conflict, the Palestinians were mainly tools for the belligerents. They were introduced to several compensation plans without even wanting to be compensated but rather repatriated. By moving away from repatriation as an alternative, the UN aligned its refugee policy to that of the US, which was primarily that of resettlement and compensation to the refugees.

In August 1949, the US and the UN started working on resettling the dispossessed Palestinians. The PCC established the Economic Survey Mission mandated to “examine the economic situation in the countries affected by the recent hostilities, and to make recommendations to the Commission for an integrated program.”³⁴² The so-called “Clapp commission”, headed by the American Gordon R. Clapp, worked on how best to resettle the refugees. But Clapp warned the US State Department that if the US were to seek resettlement instead of repatriation for the Palestinian refugees in order to create peace in the Middle East, it could not disregard UN Resolution 194 (III) from December 11, 1948. The resolution states that the 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 the property of those choosing not to return.

The Clapp Report suggested a working program that would employ the refugees and create a positive economic growth for the hosting countries. The UN General Assembly approved the proposal on December 8, 1949 and established the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The State Department and Truman agreed that the relief and work program did not solve the Arab-Israel disagreement on repatriation or resettlement and compensation but would help integrate the refugees into the local economy, and there

³⁴² Terms of Reference of the Economic Survey Mission”, September 1, 1949, *FRUS* 1949, Vol. VI, 1346 <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1949v06&isize=M&submit=Go+to+page&page=1346>, access date: August 21, 2014

would be no need for more international assistance in the form of direct relief. “ It [would] pave the way for future resettlement for many of these people.”³⁴³

From September to November 1951, the PCC arranged for a conference in Paris where the Arab states and Israel were to try to agree to a solution to the refugee problem. The Paris conference was not so much a negotiation between Israel and the Arab States as it was between Israel and the US. The Americans and the international banks realized that Israel did not have the ability to pay compensation for the Palestinians lost properties and the bulk of it would come from the USA.

The US government was concerned that failure to resolve the refugee problem would create instability in the region, but also recognized that Israel was unable to pay the amount estimated for compensation. Therefore, it would be cheaper for the United States to contribute large amounts of money for the purpose of resettlement and compensation rather than allow the refugee problem to fester.

The US conceded that compensation would be the solution in favor of repatriation. The Israelis argued that when the Custodian of Absentee Property, which was the result of the enactment of the most important Israeli land law, the *Absentee Property Law* of 1950, took over the refugees’ properties, they no longer belonged to the Palestinians but to Israel. Both the UN and the Americans had objected to this law, but did not follow up. The Palestinians argued that they owned the land and that the Israelis at least should pay a “rent” for the income on the land.³⁴⁴ This would be a way of receiving compensation without admitting that they had given up their rights to their land.

³⁴³ Memorandum by the Acting Secretary of State to the Executive Secretary of the National Security Council (Lay), Washington February 27, 1950, *FRUS* 1950, vol. V, 764

³⁴⁴ Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*, 363

The US recognized that Israel had become the legal owner of the land, but had to pay compensation in lieu of repatriation. Since Israel did not have the funds, the cost of compensation fell on the United States. American affirmed its acceptance of Israel's displacement of the Palestinians by its willingness to compensate the Palestinians for land that the Israelis had taken over. The majority of the refugees never accepted the compensation solution. Ultimately, the US left the Palestinians to the UNRWA and instead became the biggest contributor to this refugee relief program.

Appendix A – Directory of People

Abdul, Rahman, Secretary General of the Arab League

Acheson, Dean, succeeded George Marshall as US Secretary of State in 1949

Alexander the Great

Anderson, Holger, Danish director of the Refugee Office

Austin, Warren, American UN Ambassador

Balfour, Arthur James, Balfour Declaration

Ben-Gurion, David, Israel's first Prime and Defense Minister

Bernadotte, Folke, UN mediator

Berncastle, John. M, British land specialist of the Refugee Office

de Boisanger Claude, French PCC member

Blackstone, William Eugene, American evangelist, 1878

Brandeis, Louis Dembitz, Zionist a leader for the American Provisional Executive Committee for General Zionist Affairs in 1914

Bunche Ralph, UN mediator

Cannon, Cavendish W., US Minister to Damascus

Clapp, Gordon R., leader United Nation Economics Survey Mission for the Middle East
(Clapp Mission)

Clifford, Clark, Truman's White House adviser

Cresson, Warder, the first full-time consul in Jerusalem, appointed in 1844

Danin, Ezra, senior Haganah intelligence officer, established a self-appointed Transfer Committee

Dulles John F., Secretary of State in 1953

Eban Abba, Israeli Ambassador in Washington

Eisenhower, Dwight, US President succeeded Truman

Elath, Eliahu, Israeli ambassador to the US

Erim, Tevfiq, Turkish legal adviser of the Refugee Office

Ethridge, Mark F., first leader of PCC

Goitein, David, Minister Plenipotentiary of Israeli Embassy in USA

Gordius, King of Phrygia who tied an intricate knot

Griffis, Stanton, Foreign Service officer appointed by the State Department to lead the thirty-two-million aid fund to the Palestinian refugees in 1948

Gökçen, M. Cemil, Turkey's Minister of Public Works

Halaby, Assad S., Palestine man in USA

Harrison, Benjamin, US President (1889 -1993)

Henderson, Loy W., American charge 'affairs to Damascus

Herzl, Theodor, the founder of political Zionism, 1896

Johnson, Louis A., US Secretary of Defense

Kaplan, Elièzer, Israeli Minister of Finance

Kennan, George F., State Department's Director of Policy Planning

Lansing, Robert, Secretary of US State Department under President Wilson

Labonne, Eirik, French diplomat

Lie, Trygve, Norwegian UN Secretary General

Lifshits, Zalman head of the Lif Committee

Lovlett, Robert, Under-Secretary of State

Mack, Julian, Mack Zionist

MacArthur, Douglas, US General - commander of American forces in Asia

McDonald, James, first US ambassador to Israel

McDonald John, Presbyterian Pastor of Albany, NY, 1814

McGhee, George C. US coordinator on Palestine

Marshall, George, Secretary of State

Meron, Gershon, the Director of the Economy Division Israeli Foreign Ministry

Merrill, Selah, first serious and influential consul of the 19th century in Jerusalem

Morton, Sir Desmond, a diplomat from the United Kingdom

Palmer, Ely, the American representative to the PCC, 1952

Pepper, Claude, US Senator

Pinsky, Nathan, Executive Director for the Acron Beacon Journal

Porter, Paul A. succeeded Ethridge (PCC)

al-Quwwatli, Shukri, Syrian President

Riley, William E., general and Chairman of the Mixed Armistice Commission

Roosevelt, Franklin D., US President (1933-1945)

Rosenblueth, Felix, (later Rozen) Provisional Justice Minister

Sasson, Eliyahu, official from the Jewish National Fund, who became director of the Middle
East Affairs Department

Saud, Ibn King of Saudi Arabia

Serot, Andre, French officer sitting next to Bernadotte when he was shot

Servoise, Dr. Rene, French economic advisor of the Refugee Office

Shafir, Dov, Custodian of Abandoned Property

Shamir, Yitzhak, one of three leaders from the terrorist group Stern Gang, later in 1983 Prime Minister

Shertok, Moshe, (later change name to Sharett) Israel's Foreign Minister

Shitrit, Bekhor Shalom, Minister Provisional Minorities Affairs Minister, later Minister of Police

Shuqayri, Ahmad, "Palestinian advisor" at Lausanne peace conference

Silver, Abba Hillel, Rabbi and Zionists formed in 1943, the American Zionist Emergency Council

Taft, Robert A., US Senator

Truman, Harry S., US President (1945-1953)

Truman, Mary Jane, President Truman's sister

Tsizling, Aharon, Provisional Agricultural Minister

Wallace, Henry A., Vice-President from 1941-1945 and Secretary of Commerce from 1945-1946

Wasson, Thomas C., US General Consul in Jerusalem

Weitz, Yosef, Director of the Jewish National Fund's Lands Department

Weizmann, Chaim, Israel's first President

Wilson, Woodrow, US President (1913-1921)

Wise, Stephen, Zionist

Yalcin, Hussein C., Turkish PCC member

al-Zaim, Husni Colonel, chief of staff of the Syrian army

Appendix B - Abbreviations

AJC – American Jewish Committee

CIA – Central Intelligence Agency.

ESM – Economic Survey Mission

IDF – Israel Defense Forces

JNF – Jewish National Fund

Lehi – Lohamei Herut Israel (Stern Gang)

NATO – North Atlantic Treaty Organization

PCC- Palestine Conciliation Commission

UN – United Nation

UNSCOP – United Nation Special Committee on Palestine

UNRWA – United Nation Relief and Works Agency

US – United States

USA –United States of America

USSR - Union of Soviet Socialist Republics

Appendix C – Map of the Partition

United Nations Partition Plan
UN Resolution 181



Adapted from the Palestinian Academic Society for the Study of International Affairs
(PASSIA): http://www.passia.org/palestine_facts/MAPS/1947-un-partition-plan-reso.html
(October 18, 2014)

Appendix D – Laws and UN Resolutions

Haag Convention

Haag Conventions IV, 1907 "Respecting the Laws and Customs of War on Land". Article 49 of the Geneva Convention, 1949 "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country occupied or not, are prohibited, regardless of their motives. <https://www.icrc.org/ihl/intro/195?OpenDocument> (Access date: November 7, 2012)

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Absentee Property Law, March 14, 1950.

<http://unispal.un.org/UNISPAL.NSF/0/E0B719E95E3B494885256F9A005AB90A>

(August 20, 2014)

Transfer of Property Law, August 9, 1950.

<http://www.israelawresourcecenter.org/israelaws/fulltext/devauthoritylaw.htm>

(October 21, 2014)

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(September 1, 2014)

UN General Assembly Resolution 273 (III)
<http://unispal.un.org/UNISPAL.NSF/0/83E8C29DB812A4E9852560E50067A5AC>
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