

The Land Controversy: the 94% myth
Who owned what land when the Mandate ended?
Who controlled what land when the 1947-1949 war ended?

The total area of British Mandate Palestine amounted to approximately 26 million dunams (one-dunam equals one-quarter acre). This was the total area of Palestine, west of the Jordan River, after the British created Transjordan in 1922. By May 1948 when Israel was established, Jews had acquired approximately two million dunams of land, some 600,000 dunams before the Mandate began in 1920, and approximately 1.4 million dunams from 1920 through 1948. The often and entirely erroneous statistic is presented therefore that Jews purchased one-thirteenth of Palestine's area, or put differently that Arabs OWNED 94% of Palestine. That is a totally incorrect assertion and has absolutely no basis of fact, other than it is a statistic that has been repeatedly used without proof for more than 60 years. It is a statistic easily arrived at, by simply putting the total amount of Jewish land purchased as the numerator, and the total land in Palestine as the denominator, and leaving the assumption that 24 million remaining was owned by Arabs. Nothing could be further from the truth! Hundreds of books and articles have been written and histories have been erroneously learned where this statistic is routinely misused and parroted without any evidence!

It is not correct that Arabs owned 94% of the land in Palestine, yet that is the assumption left in most historical accounts of the land issue in Palestine. Actually Jews purchased 28 percent of all the land of Palestine that became the State of Israel. Again, the assumption that Arabs owned or had the rights to the remaining 72% is simply not historically correct. While only a relatively small land area was acquired by Jews through private purchases or acquisition by Jewish organizations, like the Palestine Colonization Association, Ahuzzah Company, Palestine Land Development Company, and Jewish National Fund, which critically formed the territorial nucleus for a Jewish state, the area suggested for a Jewish state by the British Palestine Administration in the July 1937 Peel Report, and the area suggested for the Jewish state in the November 1947 United Nations Partition Resolution (181) clearly mirrored those land areas previously acquired by Jews through land purchase from Arabs.

Of the 26 million dunams of geographic Palestine, as established at the 1920 San Remo Conference and then confirmed by the League of Nations in 1922, just a bit less than half of the land in Palestine was the area situated south of the Beersheba sub-district. That is for more than half of the area that became Palestine under the Mandate, *there were no land records kept in Ottoman times that designated ownership and no title deeds were issued save for 50,000 dunams*. This area, known as the Negev, was virtually uninhabited during Ottoman and Mandatory times except for roving bedouin tribes that went through the Negev from Sinai and across to what was Transjordan. The bedouin population of the Negev numbered less than 5 percent of the total Arab population in Palestine at the end of the Mandate. Furthermore, as a result of the 1947-1949 war between Arab states and Israel, approximately 6 million dunams of land were taken from the area of British Mandatory Palestine by the Kingdom of Jordan. This area was held and governed by Jordan until the June 1967 War.



Excluding the area south of Beersheba (13 million dunams) and the Palestinian areas of Transjordan, which came to be known as the West Bank (6 million dunams), Jews purchased two million dunams, or a bit more than 2,000 sq. km. of the land in Palestine primarily in the coastal plain along the Mediterranean, in the valley regions running from Haifa to the Jordan River (Jezreel Valley), and going north from Beisan to the Lebanese and Syrian borders. The remaining 7 million dunams of land were variously owned by Arabs living in and outside of Palestine, with an unknown amount but considerable in size, of lands that were totally uninhabited, such as land just north of Beersheba, in the areas of the Judean and Samaritan hills running north and south from Jerusalem to the Jordan River, or in the hill regions around Jerusalem, running north, south, and west, and lands in the Galilee that were not Arab village lands, but unoccupied lands between villages. Some of this remaining 7 million dunams of land were state lands, that is lands previously owned by the Ottoman government, the Sultan on what were known as jiftlik lands, and then inherited by the British, Israeli, and Jordanian governments when they took respective control over portions of the Palestine area, estimated at not more than 1 million of the 7 million dunams. And of course, there were Arab owned and occupied lands that Arabs in Palestine had registered with title deeds or Arabs owned and leased their land with their residence outside of Palestine as defined by the borders drawn in 1920. These were Arab owners who lived in Beirut, Damascus, Cairo, and Alexandria, to name a few places of residence where we have traced Arab landlord ownership for land held, used, and owned in Palestine. And there were Arab landowners who lived in Haifa or Nazareth and owned land in the Jezreel Valley, or Arab owners who lived in Gaza and owned land along the Palestine coast running up to Jaffa and beyond. There is no known statistic based on land registry records to specify exactly how much land in Palestine was owned by Arabs living there or how much was owned by Arabs living on the land they worked, but it must have been close to 5 million dunams, an estimate of dealing with this topic for more than thirty- five years using Arabic, Hebrew, German, and English documentation. The vagueness of the estimate or the lack of specificity about Arab land ownership is not made for any political or polemical purpose; it simply is not known from uncontested documentary evidence how much land Arabs owned in Palestine, that is west of the Jordan River within what were the borders of the Mandate, prior to Israel's establishment in May 1948.

What is known is that the proposed Jewish state and Arab states as outlined by the 1947 UN Partition Plan, lands assigned by majority vote of the United Nations General Assembly (on 29 November 1947) to the Jewish state, was to be 14,900 sq. km.; the Arab state was to be 11,700 sq. km. Jerusalem was to be an international enclave, with its borders what they were during the British Mandate as governed under the British High Commissioner. The UN also decided that there was supposed to be an economic union between the Jewish and Arab states. By January 1948, Jews had purchased 2,023 sq. km., or a bit more than 2 million dunams of the land that was to be the Jewish state; the rest was the area of Beersheba and south where no title deeds were issued except for 50,000 dunams. It should be noted that Jews bought lands in the area that became the Gaza Strip in seven villages including Hujj and Qubeiba. [Records for Jewish land purchases in the Gaza sub-district and elsewhere in Palestine under Ottoman and Mandatory rule may be found in the Palestine Land Registries, held in the Israel State Archives, and in the documentation for virtually every Jewish land purchase, found in the files of Jewish National Fund, located at the Central Zionist Archives in Jerusalem.]



When Israel's independence war ended in March 1949, the area held by Israel was 20,500 sq. km., an **increase of 37%** of what the UN had allocated to the Jewish state in the 1947 UN Partition Plan and a **50% decrease** of what was to be the Arab state per the UN Partition Plan. That portion of what was to be the Arab state (sic not Palestinian State) was annexed by Jordan. The decision by Arab states not to accept partition and to go to war resulted in land lost and Arab flight from Palestine. In 1950, Jordan annexed the West Bank (6,070 sq. km.) and Egypt controlled the Gaza Strip (390 sq. km.). No area was allocated by the Arab League or Arab states individually for the Palestinians throughout the period of Jordanian control over the West Bank and Egyptian control over the Gaza Strip. Had partition been accepted by the Arab states, assuming that there would not have been a war in 1948 or in subsequent years where the Jews might have been successful in expanding their territory, the Arab state would not have lost 50% of the land that had originally been allocated to it. The decision to go to war in 1948 and the decision not to accept partition cost the Arabs land and made most Palestinians refugees. It is doubtful that anyone can blame the Zionists for the fateful Arab decisions made in the 1947-1949 period.

Quotations about Arab land sales to Jews from British, Arabic, and Hebrew sources:

1. September 1932: "There is no doubt that the question of the sale of land is about one of the greatest dangers that threatens the future of the country." *al-Jami'ah al-Arabiyyah*, 16 September 1932.
2. "If the government seriously cared for the interest of the masses, it would prohibit land transactions which prejudice the fellaheen and cause them more harm than any number of successive bad seasons." *Filastin*, 5 August 1933.
3. 1933: Section 15 of the Protection of Cultivators Ordinance of 1933 stipulated a landlord could seek resumption of his tenanted land holdings for the purpose of upgrading its cultivable capacity, its development, or for closer settlement, colonization, or disposal for building purposes. The principle goal of POCO of 1933 was to close loopholes in previous agricultural tenant protection. The 1933 legislation stated that no "statutory tenant" of one year could be disturbed by the owner unless he was provided with a subsistence area whose adequacy was determined by a governmental board. (See Kenneth W. Stein, "Legal Protection and Circumvention of Rights in Mandatory Palestine," in Joel S. Migdal, *Palestinian Society and Politics*, Princeton, 1980, pp. 233-260.)
4. 1933: A Tulkarm landlord, A.L. Tibawi, petitioned the district officer of Samaria, H.M. Foot, seeking to develop his land which was partially cultivated by hired labor under the landlord's supervision and partially cultivated by tenants, whom he wished evicted. Tibawi in his petition said that the three tenants' income was far less than that cultivated by the hired laborers. Moreover, said Tibawi, "the tenants not only ceased to contribute their share to the income [from the land], but also failed to pay the government taxes." Tibawi sought "the immediate eviction of the tenants because their presence threatened his future with serious material loss." "Landlords," he said, "must maintain a high standard of living which would not be fair to compare to that of the tenants." [The British administrative official, H.M. Foot,



- ultimately ruled that the three tenants had sufficient land elsewhere for their livelihood and allowed A.L. Tibawi to resume his holding.] See *Abdul Latif Tibawi vs. Tenants Kamil Amrur, Abdul Fattah Amrur, and Abdul Hafiz Amrur*, File TR/114/33. Tibawi to Assistant District Commissioner, Nablus, November 16, 1934, Box 3922, Israel State Archives.
5. May 1934: The newspaper severely criticized land brokers and asked that a list be published containing the names of the brokers, including small and large ones. “The situation is unbearable and our lands are now falling on easy prey into the hands of the raiders. The brokers are increasing every day among various classes of rich and poor people who have been dazzled by the Zionist gold.” *al-Jami'ah al-Arabiyyah*, 24 May 1934.
 6. September 1934: A lead article condemned land brokers and landowners who sell their land to Jews. It claimed, “By selling land, they sell the blood and remains of their fathers.” *al-Jami'ah al-Arabiyyah*, 7 September 1934.
 7. November 1934: The newspaper attacked land brokers and noted that “those who adopted this profession [land brokers] aim at becoming rich and at collecting money even if they take it from the lives of the country... Is it human that the covetous should store capital to evict the peasant from his land and make him homeless or even sometimes a criminal? The frightened Arab who fears for his future today melts from fear when he imagines his offspring as homeless and as criminals who cannot look at the lands of their fathers.” *al-Difa'*, 5 November 1934.
 8. January 1935: The newspaper attacked illegal brokerage of land and those doctors and lawyers who looked for profit and disregarded every national cause. *al-Jami'ah al-Arabiyyah*, 16 January 1935.
 9. February 1935: The newspaper reported that the areas bought by Jews “are much more than the government reports and that the unregistered areas of land bought by Jews exceed very much the registered areas.” *Filastin*, 14 February 1935.
 10. March 1935: An article reported, “If you sellers of land and brokers try to give back their money to the Jews, will they give back our land? They will never do it because land lasts forever and God created it, while money does not last and Satan created it.” *al-Difa'*, 25 March 1935.
 11. January 1936: “It is on our leader’s shoulders that our calamity of land sales lies. They themselves as well their relatives were guilty of selling lands to the Jews.” *Al-Jam'iah al-Islamiyah*, 22 January 1936.
 12. June 1940: “...the Arab landowner [needed] to be protected against himself,” Remarks by Sir John Shuckburgh, 14 June 1940, CO 733/425/75872, Part 2. (CO =Colonial Office Files 733 is the British Record Group for correspondence of the Palestine Mandate.)
 13. 1943-1944: “The procedure adopted by the Jews to obtain land in satisfaction of a mortgage executed and registered before the date of the coming into force of the [1940 Land Transfer Regulations] is to first obtain details of an old judgment against the Arab owners or a parcel of land which has not been discharged, or not put in the Execution Office, or details of an old mortgage on the land. The owner is then approached and a private agreement reached as to

the price to be actually paid, and his consent obtained to the proceedings to be followed. The Jews then by out the judgment creditor or mortgage and obtain a power of attorney to execute the judgment or foreclosure on the mortgage. The name of the judgment creditor or mortgagee is not changed. The land is then put up for auction and the Jews, with the collusion of the Court Clerk, arrange the sale in such a way that the auction is not a public one as the law demands. The Chief Execution Officer having found that there are no objections from the owner, the judgment debtors obtain the registration of the land in the name of the Jewish Company.” A.F. Giles, Assistant Inspector General, Criminal Investigation Department, Palestine Police, to Chief Secretary the Palestine Administration, 13 April 1943, Public Records Office, CO 733/ File75072/9/1944.

14. April 1945: “In view of the publicity that is now given to the sale of land in execution proceedings, it can be reasonably assumed that evasions of the Regulations can only occur with the acquiescence if not the connivance of that section of the population which the Regulations were designed to protect.” Letter for Sir William James Fitzgerald, British official in Chief Secretariat of Palestine, to Chief Secretary of the Palestine Administration, 10 April 1945, ISA, Box M397, SF215/40 Folio 166.
15. In the middle of the 1940s, the British Palestine administration which dramatically favored the Arab population in Palestine, conducted an investigation into land transfers in Palestine the 1940s. The committee took testimony from primarily Arabs living in Palestine. The report was published in November 1945. The testimonies outlined with exceptional detail and clarity how Arab buyers and Jewish purchasers circumvented the British intention to halt the sale of Arab lands from February 1940 forwards. The Land Transfer Committee Report found that “...*the remedy lies in the hands of the Arabs themselves. Unless they enter into collusion with the Jews to defeat the spirit of the White Paper, Jews will not be able to enter improperly into possession of the land within a restricted area. If the parties whom the law is designed to defend conspire to evade the law, then it is indeed difficult for the authorities to enforce it and to defend them.*” Palestine British Administration, *Land Transfer Inquiry Committee Report*, November 1945, Israel State Archives. "SF/215/1/40, LS 249/file 4." *Land Transfer Inquiry Committee Report, November 1945*. N.p.: n.p., 1945. Print.
16. November 1946 (Hebrew): “Dr. Granovsky, managing director of the Jewish National Fund, noted that [we meet] when the purchase of land becomes most difficult. Three years ago, when a similar council met, the tightening of our ability to purchase lands was strongly felt. Now the tightening is becoming even more severe. In these past seven years [1940 to end of 1946] 46% of [all] Jewish National Fund land was purchased, among them 152,000 dunams from Jews and 238,000 dunams from Arabs. ...there stands before us the possibility of acquiring between 200 and 250 thousand dunams annually.” Minutes of the decisions of a Jewish National Fund meeting concerned with land acquisition, Minutes of the JNF Directorate Meeting, November 10, 1946, Jewish National Fund Archives, KKL Group 10, Central Zionist Archives (hereafter CZA), Jerusalem.
17. February 1948: “Because of the present (political) situation there is a temporary break in relations between us (JNF) and the owner of land and Arab sellers; but the contact between us (JNF) and them is not broken. They are seeking to sell land because they are in financial



distress and need the money. Indeed there are no possibilities to transfer today their land to the name of the JNF at the land registry office as it was once possible.” Remarks by Joseph Weitz, “Land Purchase Situation,” Minutes of the Directorate of the JNF Meeting, 3 February, 1948, KKL, Group 10, CZA, Jerusalem .

18. July 1948 (Hebrew): “With the establishment of the State of Israel, about 300,000 Arabs – urban and village – owners of the area and fellaheen, left [Eretz Yisrael-Palestine] during the recent months of war. Within the boundaries of the State of Israel, 150,000 Arabs from 190 villages [are] left. (‘azvu). The overall area of the villages is about 1,400,000 dunams, a portion belong to owners living outside [Eretz Yisrael-Palestine], a portion belonging to local Arabs, and a portion to fellaheen. The question of possibilities for the JNF to purchase land relates to its [ownership] source. . . with regard the land belong to the local [Palestinian] Arab owners, who [are] presently outside of [Eretz Israel-Palestine], today it is possible to contact these owners who are now in Europe.” Remarks by Mr. Joseph Weitz, Coordinator of land acquisition for the Jewish National Fund, minutes of the Directorate of the JNF Meeting Minutes, July 1948, KKL Group 10, CZA, Jerusalem.

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For more information on Jewish land purchase and Arab collaboration in helping the Zionists create their state, please see:

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