

IV - State Domains

THE PALESTINE GOVERNMENT, in its statement to the Anglo-American Committee of Inquiry of 1946 outlined its position in relation to state domains as follows:

"The public lands of Palestine are all those lands which are subject to the control of the Government of Palestine by virtue of treaty, convention, agreement and succession, and all lands which are acquired for the public service or otherwise. Article 12 of the 1922 Order-in-Council requires that 'All rights in or in relation to any public lands shall vest in and may be exercised by the High Commissioner for the time being in trust for the Government of Palestine.'

"The public lands of Palestine include lands varying greatly not only in physical characteristics, but also in the extent and nature of the ownership and control of Government in them. There are large areas in which the precise interest of the State has not yet been ascertained.

"Among the public domain are the lands which the Ottoman Government took over from the Sultan Abdul Hamid after the revolution of 1908; these lands in turn were taken over by the Palestine Government. They are called *jiftlik* or *mudawwara*. Practically all of them were and are occupied to some extent by Arabs who claim rights based on many years presence on them.

"Land which has not been granted or assigned to anyone and is consequently unregistered and which is distant from cultivation or habitation is called *mewat*, i.e., dead land. The *mewat* lands are part of the public domain. When such lands are found to be free from any private rights, they are registered in the name of Government. It is frequently difficult to assume that there was in the past no grant, and consequently it is not safe to assume that all the empty lands south of Beersheba or east of Hebron, for instance, are *mewat*.

"Another category of land is that of *matruka*. This is common or communal land which is left for the general use of the public, or which is assigned for the inhabitants generally of some village or group of villages. The control of the Government over these lands is limited to that necessary to enable the public to benefit from them