

PALESTINE
The Arab Case

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*Being a statement made by
the Delegation of the Arab
Higher Committee before the
first committee of the General
Assembly of the United Nation's
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CHAIRMAN : In that case, I will ask Mr Henry Kattan to take his place at the table.

(Mr Henry Kattan, the representative of the Arab Higher Committee, took his place at the Committee table.)

CHAIRMAN : Mr Kattan, we are very glad to have you with us. We will also be very glad to hear a statement from you on our agenda which, as you know, concerns itself with the constitution and composition of a special committee of inquiry into Palestine. At the end of your statement, it may

be that some Members of the Committee would like to address questions to you. We would be very glad, if you saw fit, if you would answer them at that time or in writing later on.

It may also be that Members of the Committee would like to send you supplementary questions in writing. We would also be glad to have the answers to them in due course.

The floor is now yours.

Mr Henry Kattan (Arab Higher Committee):
Thank you, Mr Chairman.

First of all, allow me to express to you—and through you, to the General Committee and the General Assembly—the sincere thanks and deep appreciation of the Arab Higher Committee of Palestine for the opportunity you have given us to appear before you to-day. We are also grateful for the great efforts you have spent on the preliminaries of this discussion and for the interest you have ex-

pressed in hearing the Arab case, which are evidence of your desire to do justice in this cause.

I propose to limit my remarks to the fundamental elements of the problem, only to those elements which would assist the Committee in its task of determining the terms of reference of the proposed special committee. Before doing so, however, I beg to ask for your indulgence for I am not a public speaker, and I am speaking in a language other than my own.

I come to you as a representative of the people of Palestine, as an Arab whose roots are deeply imbedded in that tortured land. The Arab people are deeply anxious to find a just and lasting solution to the problem before you because it is their own problem—the problem of their present life and their future destiny. No one is concerned with it as much as they are since it involves their very existence as a people. With this existence threatened, with the future of our children in doubt, with our national partimony in danger, we come to you, the repre-

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sentatives of the organized community of nations, in the full assurance that your conscience will support us in our struggle to hold that which is dearest to any people's heart—the national right of self-determination, which stands at the basis of your harter.

It may be well to start by sketching a picture of Palestine prior to the First World War. Palestine was then included in the Ottoman Empire as part of the province of Syria; but this inclusion did not, in any way, alter or affect the Arab character of Palestine. It had been inhabited for several centuries by Arabs; its customs, traditions, and culture are Arab; its town and villages were Arab. Those are the facts. No amount of propaganda or distortion can change the Arab character, the Arab history, and the Arab national characteristics of Palestine.

Other small communities lived in the midst of the Arabs inhabiting Palestine and the other Arab countries : Jews, Armenians, Kurds, and others. In

all those Arab countries, the Jewish communities lived in peace and security.

They even found for centuries amongst the Arabs more tolerance, more security, and more happiness than they had encountered among some of the nations of Europe. In Palestine, in particular, the Jews represented in 1914 a small fraction of the population, about six to seven per cent of the total. They had their own schools, synagogues, and communal institutions; but one important fact should be noted. They had no national or political aims, antagonistic or hostile to the Arabs. On the contrary, while retaining their religious, cultural, and racial characteristics, the Jews merged harmoniously in the Arab strubture. That explains why there was then no friction between the Arabs and Jews, no riots, no disturbances. The contrast between the old era and the present day provides an understanding to the problem.

Politically, the Arabs of Palestine, like the Arabs of neighbouring countries, were not then

independent in the sense of forming a separate political entity. They shared, however, the sovereignty of an independent country and enjoyed full rights of citizenship equal to the rights enjoyed by the Turkish citizens of the Ottoman Empire. In fact, Arabs rose to the highest executive, legislative, and administrative positions.

Notwithstanding their enjoyment of full political rights, the Arabs wished to establish a purely Arab state, independently of the Ottoman Empire. There were already several undercurrents aiming at the achievement of this objective. These undercurrents rose to the surface and gained strength and violence during the First World War.

The Allied Governments encouraged this struggle of the Arabs for their independence, as it fitted with their plans for a victorious termination of the conflict. In particular, the United Kingdom made several pledges for the recognition and establishment of Arab independence.

In 1915, there was the pledge of Sir Henry McMahon, the United Kingdom High Commissioner in Egypt, to King Hussein of Hedjaz, then Sherif of Mecca, declaring that the United Kingdom was prepared to recognize and uphold the independence of the Arabs in all regions lying within frontiers proposed by the Sherif of Mecca." Sir Henry McMahon purported to exclude from the pledge certain portions of Syria lying to the west of the districts of Damascus, Homs, and Aleppo. The portions excluded fell within the then French sphere of interest and claims. There was however, no exclusion of that part of Syria now known as Palestine.

On 2 November 1917, the United Kingdom Government issued the Balfour Declaration without the consent or even the knowledge of the Arabs and in contradiction of the McMahon Pledge made in 1915. When news of this declaration reached the Arab world, doubts were created in the minds of the Arabs as to the sincerity of Allied aims concerning the future of the Arab countries and the Sherif Hussein asked for an explanation. To allay Arab

fears, the United Kingdom Government delivered to King Hussein what is known as the Hogarth Message, which pledged that Jewish settlement in Palestine would only be allowed in so far as would be consistent with "the political and economic freedom of the Arab population."

In other words, the Balfour Declaration was to be secondary and subservient to the "political freedom" of the population.

Again, in February, 1918, the acting British agent in Jedda, Lieutenant-Colonel Bassett, wrote to the Sherif of Mecca :

"His Majesty's Government and their Allies stand steadfastly by every cause aiming at the liberation of the oppressed nations, and they are determined to stand by the Arab peoples in their struggle for the establishment of an Arab world in which law shall replace Ottoman injustice and in which unity shall prevail over the rivalries artificially provoked by the policy of Turkish officials.

His Majesty's Government reaffirm their former pledge in regard to the liberation of the Arab peoples. His Majesty's Government have hitherto made it their policy to ensure that liberation, and it remains the policy they are determined unflinchingly to pursue by protecting such Arabs as are already liberated from all dangers and perils, and by assisting those who are still under the yoke of the tyrants to obtain their freedom."

Then again, in June 1918, the British Government, in what is known as the Declaration to the *Seven* pledged that "In regard to areas occupied by Allied forces, ...it is the wish and desire of His Majesty's Government that the future Government of these regions should be based upon the principle of the consent of the governed, and this policy has and will continue to have the support of His Majesty's Government."

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dom in prosecuting the war in the East is the "complete and definite emancipation of the peoples... and the establishment of national Governments and administrations, deriving their authority from the initiative and free choice of the indigenous populations. In order to carry out these intentions, France and Great Britain are at one in encouraging and assisting the establishment of indigenous Governments and administrations in Syria and Mesopotamia, now liberated by the Allies, and in the territories the liberation of which they are engaged in securing, and recognizing these as soon as they are actually established. Far from wishing to impose on the populations of these regions any particular institutions, they are only concerned to ensure by their support and by adequate assistance the regular working of Governments and administrations, freely chosen by the populations themselves."

One of the matters which the special committee to be set up will therefore have to investigate will be the various pledges given to the Arabs before

and after the Balfour Declaration with regard to the recognition of their independence.

The struggle which had as its backbone the will and determination of the Arabs to realize their independence was spurred and encouraged by the assurances of the Allied Powers regarding independence, political freedom and the establishment of Governments freely chosen. The Arabs, in fact, made a substantial contribution to the Allied victory in the first world struggle. King Hussein of the Hedjaz joined the Allied armies, and Arabs from Syria, Lebanon and Palestine answered his call for revolt and joined the ranks of the Allies and fought with them.

To quote from the report of the British Military Commission of Inquiry set up to investigate causes of the disturbances in 1920 in Jerusalem :

"In fact, in June 1918, recruitment for the Allied Sherif Army was in full swing in Palestine. Those recruited were under the impression that they were fighting for the National Cause and the liberation

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"In fact, in June 1918, recruitment for the Allied Sherif Army was in full swing in Palestine. Those recruited were under the impression that they were fighting for the National Cause and the liberation

of their fatherland, while the evidence now before us shows that the real impression left in the minds of the Arabs as a whole was that the British Government would undertake the formation of an independent Arab State comprising Palestine."

I do not wish to comment on the denial or breaking of pledges, nor on the ethics or legality of making contradictory promises. I wish to emphasize, however that the claim of the Arabs for termination of the mandate and recognition of their independence does not rest on promises or pledges. The Arabs of Palestine are not claiming their country on pledges made to them, for it belongs to them. Nor are the Arabs claiming their independence on assurances; they are entitled to such independence as being their natural and inalienable right.

The value of those pledges, however, is twofold. In the first place, they nullify any contradictory assurances given to the Jews, if the Balfour Declaration is to be read as meaning more than a cultural home. In the second place, those pledges

show that the administration of the country in a manner inconsistent with and contrary to the wishes of the large majority of the inhabitants is a glaring injustice.

I have mentioned the Balfour Declaration. It is at the root of and the very reason for all the troubles. It is the cause of the problem into which you are enquiring. It is the cause of the disturbance of peace and security in Palestine and the Middle East. Several commissions of inquiry into the disturbances in Palestine have invariably found that the Balfour Declaration and its policy of immigration were the primary and fundamental causes of such disturbances.

When we remember that the Balfour Declaration was made without the consent—not to say the knowledge—of the people most directly affected; when we consider that its making is contrary to the principles of national self-determination and democracy, as also to the principles enunciated in the Charter of the United Nations; when we know

that it was inconsistent with the pledges given to the Arabs before and after its date—it will be the duty of the special committee to inquire into the legality, validity and ethics of this document.

Out of the conflict of the First World War, there emerged certain high principles which were to govern the organization of international relations and serve as the basis of the structure of modern civilization.

The principles propounded by President Wilson, that is the rejection of all ideas of conquest and recognition of the right of self-determination were incorporated in Article 22 of the Covenant of the League of Nations. The Covenant laid down that, to the peoples inhabiting territories which have ceased to be under the sovereignty of the State which formerly governed them, there should be applied the principle that their well-being and development form a sacred trust of civilization.

Moreover, in particularizing certain com-

munities detached from the Turkish Empire, that is to say, the Arab Nation, Article 22 laid down that, having regard to their development, their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

Notwithstanding the pledges of Great Britain and the Allied Governments; notwithstanding Wilson's Fourteen Points; notwithstanding Article 22 of the Covenant; notwithstanding the riots in the country and the expressed opposition of the people of Palestine, the Mandate was formulated in a manner embodying the Balfour Declaration.

One of the points which the special committee will have to consider will be the inconsistency of the Mandate with Article 22 of the Covenant of the League of Nations. Article 22 is the primary and enabling instrument from which the Mandate can derive its force and validity, if any. If, therefore the Mandate on Palestine has, in its inception or the

interpretation of its objects or in its practical application, deviated or departed from the primary objectives of Article 22 of the Covenant, then it is *ultra vires* and null and void. There is no power in Article 22 of the Covenant which enables the embodiment in the Mandate of provisions prejudicial to the interests of the people of the country. A further issue which the special committee would have to inquire into is that the Mandate was intended to be a provisional and transitory form of administration. The neighbouring Arab countries, Iraq, Lebanon, Syria and Trans-Jordan were similarly and at the same time placed under mandate. They are now making their contribution to the organization and maintenance of world peace and security.

Mr Bevin declared on February 25, 1947, in the House of Commons, the following :-

"In other states in the Middle East, we also took on mandates and they have all lead to self-government. I want to state that the cultural de-

velopment of the Arabs and Jews in Palestine is of as high a standard as in any other Arab state." There is, therefore, no justice in the denial to the people of Palestine of the elementary rights of self-government and independence. If, with a view to continuing this injustice, it is argued that the cessation of the Mandate might lead to bloodshed between Arabs and Jews, and even if that were at all true, it is no reason which carried any convincing force as the whole history of the Mandate since its inception is a history of troubles, disorders, and bloodshed.

Another point which we suggest that the special committee inquire into is the effect of the dissolution of the League of Nations on the Palestine Mandate. It was specifically provided in Article 22 of the Covenant that the Mandate should be exercised by the Mandatory "on behalf of the League of Nations" this being the primary condition under which the Mandate was granted.

The powers of a mandatory cannot legally out-

live the existence of the person or body delegating such powers. The mandatory cannot be said to-day to be exercising its powers on behalf of the League, a body which has ceased to exist.

Article 80 of the Charter of the United Nations has a negative operation in not interfering with existing rights. It has not the positive effect of conferring validity on, or retaining in full force, an agency or mandate which has ceased to have any validity. Even if the Mandate can be said to be still in existence, the special committee should, in my submission, be asked to consider the conflict between the provisions of the Mandate imposing the obligation to facilitate Jewish immigration and the obligation undertaken by the British Government on becoming a party to the Charter of the United Nations. The obligations in the mandate relating to the Jewish national home and the facilitation of Jewish immigration, if such are to be construed to imply their discharge against the will of the original inhabitants of the country and the majority of the population, are clearly in conflict

with the purposes and principles of the Charter.

They are again in conflict with the resolution of the General Assembly of the United Nations adopted at its sitting on the 15th of December, 1946, which disapproved of the resettlement of displaced persons where the resettlement would be likely to disturb friendly relations with neighbouring countries. The resolution further states that due weight should be given, among other factors, to any evidence of genuine apprehension and concern felt *inter alia* by the indigenous population of non-self-governing countries.

Another term of reference would be an inquiry into the practical application of the Mandate which, in our contention, would show :

(a) That it was not exercised within the scope and for the purposes contemplated by Article 22 of the Covenant;

(b) That it was not exercised for the benefit of

the original inhabitants of the country; and

(c) That its further continuation is creating a situation which is affecting the peace and good order in Palestine and threatening peace and security in the Middle East.

That inquiry would show, moreover, how the Arabs have lost their civil and political rights which they enjoyed prior to the Mandate; how the immigration initiated and facilitated under the Mandate is threatening the very existence of the Arab Nation. It will show how this immigration has led to troubles and bloodshed which have soiled the Holy Land. It will show how the British Government is giving administrative advice and assistance to another British Government calling itself the Palestine Government. It will show how no trace can be found of self-governing institutions and much less of any trace of the development of such institutions. It will show how many lives were lost as a result of the policy of enforcing the Mandate and how much money has been spent on

police posts and fortresses as compared with schools and hospitals.

Another aspect of the practical application of the Mandate will show how during the last 25 years more than half a million Jews were allowed to immigrate into the country against the wishes of its inhabitants, and how the British Government not only used its best endeavours to facilitate the achievement of the Balfour Declaration, but fully and completely achieved it at the expense of many lives and suffering.

Further in formulating the terms of reference of the proposed special committee of inquiry, it is not sufficient to point out what the problem is. It is equally important to invite attention to what the problem is not, so as to avoid confusion of issues.

In the first place, the problem is not an Arab-Jewish problem. The Arab opposition to immigration and to the establishment of a Jewish national home in Palestine is not based on any racial pre-

judice against Jews as Jews, but would be equally strong whatever the race or religion of any group which might attempt to wrest the country from its Arab inhabitants or to force immigrants into it against the will of the Arabs.

In the second place, the problem is not economic. It is often contended that the Jews of Europe can develop the country by colonizing it better than its inhabitants could. Even if the premises on which this argument rests were true, it would still be worthless because it is an unacceptable and immoral argument. Such reasoning, if accepted, could justify any aggression by the more advanced against the less advanced nations of the world.

In the third place, the problem is not connected with the refugee problem. The problem of the refugees and of displaced persons is not limited to any special religion or race. It is a humanitarian problem, and it is the duty and concern of the civilized world to treat it as such. Indeed, this has

been done, as is evidenced by the establishment of the International Refugee Organization. The linking of the refugee problem with Palestine has made, and will continue to make, the solution of both problems infinitely more difficult, if not impossible.

These are two different and distinct problems and each must be solved on its own merits, and all countries of the world must participate and share in the responsibility of its solution.

The Arab Higher Committee deems it absolutely essential that a recommendation be made to the Mandatory to take immediate steps for the complete stoppage of all Jewish immigration into Palestine, whether termed legal or illegal. For, in the view of the Arab population, all immigration of Jews into Palestine is illegal.

In the fourth place, the problem of Palestine cannot and should not be regarded as one of historical connection. The Zionists claim Palestine on the grounds that at one time, more than two

thousand years ago, the Jews had a kingdom in a part of it. Were this argument to be taken as a basis for settling international issues, a dislocation of immeasurable magnitude would take place. It would mean the redrawing of the map of the whole world. It has been said you cannot set back the hands of the clock of history by twenty years. What should then be said when an effort is made to set the clock of history back by twenty centuries in an attempt to give away a country on the ground of a transitory historic association?

These are the observations which we wish to put before you at this stage. I hope I have succeeded, without overtaking your patience, in indicating the real cause of the disease. I trust that the committee of investigation, and later on the General Assembly, will be convinced that this apparently complex problem cannot be solved except on the basis of principles already agreed upon by all the civilized world and sanctioned by the Charter.

It is high time that Palestine's right to inde-

pendence be recognized and that this tormented country enjoy the blessing of a democratic government. It is high time, also, that a policy which has been impairing the ethnological and political structure of the country be brought to an end by the highest body in the world.

We are not asking something which is out of line with what humanity has striven for throughout the ages: nothing more than what each of you would wish for his own country; nothing more than what is consecrated by the lofty principles and purposes of your very Charter; nothing more than what the greatest of Masters, who arose from that holy but to-day tortured land, taught every one of us when he said: "Do unto others as ye would have them do unto you."

Thank you.