PALESTINE:
THE WAY TO PEACE
No. 3

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For many years previous to the Great War, a Nationalist Movement had been on foot among the Arabs, the object of which was to gain complete autonomy. Under the Ottoman Constitution, however, the Arabs enjoyed equal rights with the Turks: they were both on the same footing.

During the Great War, King Husain of the Hejaz, acting on behalf of the Arabs of Syria (Palestine and Transjordan included), Mesopotamia, and Arabia, negotiated during 1915-16 a Treaty of Alliance with Great Britain.

In return for the support of the Arabs during the War, Great Britain guaranteed (within certain limits) to recognize the independence of the Arabs in the above mentioned countries. This independence has been recognized in Iraq and Arabia. The question now at issue concerns Syria. From time immemorial, and under Ottoman rule, Syria included Palestine—the present subject of controversy. The Arabs claim that Palestine was included within the area of Arab independence promised to King Husain: the British Government holds that Palestine was excluded.

THE ANGLO-ARAB TREATY

On the 14th of July, 1915, King Husain, then Sharif of Mecca, in a letter addressed to the British Government through Sir Henry McMahon, defined the area in which he asked for Arab independence:

"Great Britain recognizes the independence of the Arab countries which are bounded: on the north, by the line Mersin-Adana to parallel 37 degrees north and thence along the line Birejik-Urfa-Mardin-Mezan-Mezere to the Persian frontier; on the east, by the Persian frontier down to the Persian Gulf; on the south, by the Indian Ocean (with the exclusion of Aden whose status will remain as at present); on the west, by the Red Sea and the Mediterranean Sea back to Mersin." (The Arab Awakening, p. 414, Appendix A.)
On the 24th of October, 1915, Sir Henry McMahon wrote to the Sharif as follows:

"It gives me the greatest pleasure to convey to you on behalf of His Majesty’s Government, the following declarations:

"The districts of Mersin and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama, and Aleppo, cannot be said to be purely Arab and must, on that account, be excepted from the proposed delimitation.

"Subject to the modifications stated above Great Britain is prepared to recognize and uphold the independence of the Arabs in all the regions lying within the frontiers proposed by the Sharif of Mecca." (Ibid, No. 4, p. 419.)

That Palestine was included in the Husain-McMahon pledges is further established by the Proclamation published in Palestine and other parts of the Arab world on behalf of France and Great Britain on the 7th November, 1918, wherein the engagements with the Arabs were reiterated. The proclamation reads as follows:

"November 7th, 1918.

"The goal envisaged by France and Great Britain in prosecuting in the East the war set in train by German ambition is the complete and final liberation of the peoples who have for so long been oppressed by the Turks, and the setting up of national governments and administrations which shall derive their authority from the free exercise of the initiative and choice of the indigenous populations. . . ."

"Far from wishing to impose this or that system upon the populations of those regions, their (i.e. France’s and Great Britain’s) only concern is to offer such support and efficacious help as will ensure the smooth working of the governments and administrations which those populations will have elected of their own free will to have; to secure impartial and equal justice for all; to facilitate the economic development of the country by promoting and encouraging local initiative; to foster the spread of education; and to put an end to the dimensions which Turkish policy has for so long exploited. Such is the task which the two Allied Powers wish to undertake in the liberated territories." (The Arab Awakening, Appendix E, p. 435.)

In addition, in order to soften the policy of His Majesty’s Government to the Muslims of India, the Government of India issued a circular on the 15th of May, 1920, No. 1159, which declared:

"Indian Muhammadans must remember that the independence of their Arab co-religionists remains intact throughout a very large proportion of the former Ottoman Empire and that the only areas which have been removed entirely from Muslim control are the comparatively small areas of Armenia, Thrace, and Smyrna, in each of which, according to pre-war statistics, the population was predominantly non-Muslim. . . .

"Similar conditions apply to Kurdistan, of which the right to local autonomy provisionally recognized, and to those areas in Asia, over which mandates have been entrusted by the Peace Conference to Britain and France, that is to say, Palestine, Mesopotamia, and Syria."

THE PLEDGE BROKEN

Despite the Alliance with King Husairi, made in 1915-16, during the same year negotiations were taking place between Great Britain, France, and Russia for dividing up the Ottoman Empire. These negotiations resulted in the Sykes-Picot Agreement, whereby the Arab territories, whose independence was recognized by Great Britain, were to be divided between them. This clandestine document stands as a startling example of political double dealing.

When the news of the Sykes-Picot Agreement leaked out through Bolshevik Russia, the Arabs were terribly dismayed and Husain, on enquiry, received on the 8th of February, 1918, an assurance from the British Foreign Office that Great Britain would stand by her pledges and would recognize Arab independence.

But this was not all. Yet another promise was made by Great Britain in 1917, which conflicted with the pledges given to the Arabs. This was the well-known Balfour Declaration, the cause of 20 years of tragedy in Palestine. The Balfour Declaration is nothing less than a repetition of British double-crossing and a new breach of faith with the Arabs.

The Balfour Declaration reads as follows:

"His Majesty’s Government view with favour the establishment in Palestine of a National Home for the Jewish people and will use their best endeavours 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." (Ibid, p. 266.)

This document conflicts with the terms of the Alliance with King Husain in that the British Government undertakes to facilitate the establishment in Palestine of a National Home for the Jews of the world. Moreover, it was issued without the knowledge of any Arab, and without any reference to the pledges previously given in the Alliance with King Husain. This fact in itself constitutes an illegality and renders the Balfour Declaration an invalid document.

The late Mr. Ramsay McDonald said, in 1922:

"We encouraged an Arab revolt in Turkey by promising to create an Arab kingdom from the Arab provinces of the Ottoman Empire, including Palestine. At the same time, we were encouraging the Jews to help us by promising them that Palestine would be placed at their disposal for settlement and government, and also, at the same time, we were making with France the Sykes-Picot Agreement, partitioning the territory which we had instructed our Governor-General of Egypt to promise to the Arabs. The story is one of crude duplicity and we cannot expect to escape the reprobation which is its proper sequel." (The Contemporary Review—Vol. 221, pp. 434-440, 1922, "Zionism and Palestine."

THE BALFOUR DECLARATION AND THE COVENANT OF THE LEAGUE OF NATIONS

Despite the conflict caused by the obligations to Arabs and Jews undertaken by Great Britain and her Allies, the latter, in the Peace Conferences at the end of the war, proceeded to arrange for the carrying out of these obligations. This was done under the sheltering wing of the Covenant of the League of Nations.

The Covenant is one of the most sacred and important international pacts known to history. It was solemnly accepted and signed, first by the principal Allied Powers and then by all the other Governments which were members of the League. The Covenant is the basis on which the League of Nations was established.

The Covenant inaugurated a new departure from customary and traditional post-war settlements which, till then, had been the recognition of the right of sovereignty by conquest. The Mandatory system was substituted for it, which constituted the principle of trusteeship for the welfare of the inhabitants. The Arabs, however, who were the Allies of the victorious Powers during the war and in the post-war settlement, refused the Mandatory rule over any part of the Arab world. In particular, they refused to accept a Mandate for Palestine which embodied the Balfour Declaration. The Palestine Mandate which was framed in London in consultation with the Zionist Executive and without consulting the Arabs:

(1) Infringed a previous binding treaty between themselves and Great Britain.

(2) Conflicted with the terms of the Articles 20 and 22 of the Covenant of the League of Nations.

The mandate conflicted with Article 22 of the Covenant on several counts. The principle was that under Article 22 in "A" Mandates, of which Palestine was one, the Mandatory was not allowed to establish his rule in any form and was restricted to offering advice and assistance to a native administration.

The following are relevant references to the violation of the Covenant of the League of Nations by the Government of Mr. Lloyd George and those of the Allied rulers of the time.

The accompanying instructions were laid down in the 22nd Article of the Covenant, in respect of Mandates for ex-Turkish territories, Syria (including Palestine and Trans-Jordan) and Iraq. The terms of the Article are in the left column and various comments are made in the right column.

Article 22

"(1) To those colonies and territories which as a consequence of the provinces—Anatolia, Arabia, Meso-
late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization. And that securities for the performance of this trust should be embodied in this Covenant."

"(2) The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations which by reason of their resources, their experience, or their geographical position, can best undertake this responsibility and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League."

"(3) The character of the Mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances."

"(4) Certain communities, formerly belonging to the Turkish Empire, have reached a stage of development where their existence as independent nations can be provisionally recognized.

potamia, and Syria. Turkey regained Anatolia and Arabia gained its independence.

"Syria" and Mesopotamia (now Iraq) were placed under Mandate.

"Such peoples" being, in the case under review, the inhabitants of Syria (including Palestine and Trans-Jordan) and Iraq.

Tutelage implies guidance and training in self-government of "such peoples," viz. the Arabs.

The Mandate for Iraq was allotted to Great Britain; Syria was dismembered, the Mandate for the northern part was allotted to France, that for the southern part, viz. Palestine and Transjordan, to Great Britain.

There are three different categories of Mandates, according to the stage of development of the people concerned. Syria (including Palestine and Transjordan) and Iraq fell into class "A" as they were inhabited by a people in a higher stage of development.

"Certain communities" can only refer to the people then living in the country. It must exclude foreigners entering the country later who cannot be included in the term, "communities formerly belonging to the Turkish Empire.

Palestine being under Class "A" Mandate, was one of the countries whose independence was thus provisionally recognised.

subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.

"Advice and assistance" implies a local government to which advice and assistance is given by the Mandatory. No such local government exists in Palestine.

Far from considering the wishes of the Arabs, at that time 93 per cent. of the population of Palestine, the Allies imposed upon the Arabs a Mandatory Power and a programme without any consultation with them whatsoever. Mr. Lloyd George said, "The consent of the governed must be the basis of any territorial settlement in this war." (Lloyd George in "The Truth about the Peace Treaties," Vol. II, p. 757.)

It is to be noted that nothing in Article 22 justified the imposition of a foreign populace upon Mandated territory by the Mandatory, as a supposed obligation of this Mandatory, or of the League of Nations itself, to declare that foreign immigrants — Russian, Polish, German, and Roumanian subjects in the main—entered Palestine as "of right." The statement made by Mr. Winston Churchill in 1922 on behalf of His Majesty's Government that the Zionist immigrants entered Palestine "of right" was therefore of no legal value, and entirely worthless. (Cmd. 1700—1922.)

The Mandate contravened Article 20 of the Covenant because it embodied the Balfour Declaration in its terms instead of excluding that Declaration as being incompatible with its terms.

As regards Article 20, its full text runs:

"1. The members of the League, severally agree that this Covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

"2. In case any member of the League shall, before becoming a member of the League, have undertaken any obligations inconsistent with
the terms of this Covenant, it shall be the duty of such a member to take immediate steps to procure its release from such obligations.²

The British Government, therefore, when it became a Mandatory, should have taken immediate steps to procure its release from the Balfour Declaration which violates Article 22 of the Covenant. Not to do so was a direct contravention of Article 20 of the Covenant.

INALIENABLE AND INHERENT ARAB CLAIMS

Beyond all, it must be understood that while the Arabs, as above, claim the independence of Palestine under treaty with Great Britain, and under the terms of the Covenant of the League of Nations, this is not their primary claim.

That primary claim rests upon their inalienable natural right to their own native land. Nothing can dissipate this right nor prevail over it. Neither the British Government, nor the League of Nations, nor any other body of any kind, can point to a clause in any international code permitting the abstraction from a people of the ownership and dominance of their own soil without their consent.

It is sometimes suggested that the approval of the Mandate by a number of countries signatory to the League of Nations, gave a warrant for the arbitrary acts of the Mandatory Administration, but the League of Nations bound by its Covenant, cannot lawfully deprive a people of their right to govern themselves.

The Jewish claim to historical rights in Palestine does not hold water. Zionist sentiments of religious origin among the Jews have been transformed into political Zionism which, sponsored by the British Government and put into practice in Palestine for the last twenty years, has conflicted with the rights of the Arab population and with the religious sentiments of both the Moslem and Christian worlds.

THE OBSTACLES TO PEACE

The obstacle to peace in Palestine is the fact that the British Government has plighted its troth in mutually exclusive undertakings to

(1) The Covenant of the League of Nations;
(2) The Arabs; and
(3) The Jews;

and has thus laid itself open to the charge of political faithlessness all around.

Peace in Palestine can only be restored by such form of government as will conform to the principles of Arab independence and will be found acceptable by the population of Palestine as a whole. The Jewish National Home policy must be abandoned, and a National Government formed on normal democratic principles which will include all citizens represented according to their numbers, with minority rights guaranteed. At the same time, the legitimate and reasonable interests of Great Britain will be safeguarded and a treaty concluded between Great Britain and Palestine, similar to that existing between Great Britain and Iraq. The advantages of these proposals are:

(1) The Jews would be afforded cultural and spiritual freedom within a friendly Arab State.

(2) British interests in Palestine would be secured by the surest bond of all—the goodwill of the mass of the people concerned.

(3) The Arabs would be assured of their future and of their freedom.

The homelessness of the Jewish people is a tragedy which Palestine has already done more than its share to meet. Nothing further can be imposed on the Arabs without grave danger to the interests, not only of Great Britain and the Arabs, but of the Jews themselves.

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