

REPLY OF THE
ARAB HIGHER COMMITTEE
FOR PALESTINE
to the
WHITE PAPER
ISSUED BY THE BRITISH GOVERNMENT

on May 17, 1939

[4]

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The Delegation, bound by the fundamental rights of the Arab people in Palestine, had set out in a full spirit of conciliation and an earnest desire to find a solution which might put an end to the unhappy situation in the country.

Negotiations, in which delegates representing the Arab States participated, proceeded in London in an atmosphere of complete freedom and frankness. The Arab Delegates were able to procure, from the British representatives, recognition of their basic rights, but were unable to arrive with them at a practical solution which would lead to an agreement. The British Government had submitted certain proposals, to which they adhered tenaciously; and, as these proposals did not secure the fundamental rights of the Arab people, the delegates of the Arab States joined the Palestine Delegates in an unanimous refusal of those proposals.

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After the return of the delegates, communication was resumed in 'Cairo between the Arab States' delegates and the British Government. The Arab States ultimately suggested certain amendments to the British proposals, but the British Government refused the suggested amendments and formulated their own policy for Palestine. They decided "to adhere generally to the proposals which were finally submitted to, and discussed with the Arab and Jewish delegations", and issued a White Paper, which was published in Palestine on the 17th May, 1939, in the form of an Official Communiqué No. 2/39, defining that policy.

Upon perusal of the White Paper, the Arab Higher Committee issued on May 18 a brief statement expressing, on behalf of the Arab people their refusal of this policy as it did not satisfy Arab demands and did not differ from, but in certain respects fell short of, the proposals suggested at the London Conference, which proposals had been refused by the Palestine and Arab States' delegations. Soon after their refusal of the White Paper, the Arab States which had taken part in the Conference decided that they could not advise the Arabs of Palestine to cooperate on that basis.

The Arab Higher Committee now present their detailed reply to the said White Paper :

I. The Basis of the New Policy

In para 18 of the White Paper it is said that "In framing these proposals His Majesty's Government have sincerely endeavoured to act in strict accordance with their obligations under the Mandate".

The Arab Higher Committee expresses its regret at this statement because it is this Mandate, and what it embodies of obligations prejudicial to Arab rights and Arab national existence, that is the source of their grievances. They believe that this statement has made the Arabs lose hope in the new policy, as it continues to arouse their fears and fails to safeguard their rights.

II. The Constitution

Independence

In para 10 of the White Paper, the British Government state that "the objective of His Majesty's Government is the establishment within ten years of an independent Palestine State in such treaty relations with the United Kingdom....."

The Arab Higher Committee expresses its appreciation for this declaration but regrets to find that the declaration, taken as a whole, does not in fact ensure independence, since it makes its realization subject to Jewish participation in the Independent State.

Sub-para (2) of para 10 of the White Paper continues by saying that "The independent State should be one in which Arabs and Jews share in Government in such a way as to ensure that the essential interests of each community are safeguarded."

Para 8 of the White Paper states, inter alia, that "It should be a State in which the two peoples in Palestine, Arabs and Jews, share authority in Government in such a way that the essential interests of each are secured".

Para 9 provides that : "The establishment of an independent State and the complete relinquishment of Mandatory control in Palestine would require such relations between the Arabs and the Jews as would make good government possible, etc".

It is already apparent that the Jews will intentionally abstain from participation in any state that is not Jewish, in order to hinder independence.

Moreover, independence is to be preceded by a provisionally fixed transitional period of 10 years ; and, in spite of its long term, this period is not final in that "if, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will

consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such postponement." They reserve for themselves final decision in the matter. The word "circumstances" is ambiguous, and it is always easy for the government in power, and more so in the case of Palestine, to say that "circumstances" do not allow the realisation of independence. Moreover, as long as the transitional period is not finally fixed, the Jews would have an additional weapon to use in hindering independence indefinitely.

In spite of the fact that the Covenant of the League of Nations recognised the right of Palestine to independence, and the Mandate was supposed to be a "transitional period", the British Government continued opposing the realisation of that independence until today.

Independence is the most sacred right and dearest aim of all nations. The Arabs of Palestine, who have suffered for it more than any other people insist upon a definite assurance that it will in fact be attained.

Executive Power during the Transitional Period.

The British statement provides, prior to the establishment of the independent State, for a transitional period during which His Majesty's Government will retain responsibility for the government of the country.

In para 9 of the White Paper it is said that "the growth of self-governing institutions in Palestine, as in other countries, must be an evolutionary process". But we have seen in the other neighbouring countries that the transitional period started with the establishment of a representative national government which took over at once most of the administrative and legislative functions. The Mandatory Government did not retain responsibility for the government of the country during such transitional period.

The case here is not so. No national government and no handing over of responsibility to such government are contemplated. The matter does not go beyond the appointment of some Palestinian officials, in

the existing system of government, who would be subject to the same rules and conditions as other officials, and who would be responsible in everything to the High Commissioner and the Colonial Office.

The appointment of these Arab and Jewish officials will take place in proportion to their respective populations. Among the Jews, however, a large number still retain their foreign nationality. Why should these foreigners be included, and so give the Jews a disproportionate share in the public offices of the country? Moreover, the increase in the number of Palestinians, who will be placed in charge of departments, depends on "circumstances". The ambiguity involved in this is liable to hinder such gradual increase.

And finally, "consideration will be given to the question of converting the Executive Council into a Council of Ministers.....", but without giving authority to this Council, and without a definite assurance at this juncture that such conversion will take place.

Assuming that a Council of Ministers was in fact constituted, the share of the people of the country in the national government, even in the last stage of the transitional period, would be less than that accorded to the neighbouring countries at the start. Consequently, we are unable to hope for the approach of the end of the transitional period and the realisation of independence, because such independence is made dependent on "circumstances" and is made subject to the consent of the British Government.

The Legislative Power during the Transitional Period

Sec. 5 of para 10 of the Statement states that "His Majesty's Government make no proposals at this stage regarding the establishment of an elective legislature.....and, should public opinion in Palestine hereafter show itself in favour of such a development, they will be prepared, provided that local conditions permit, to establish the necessary machinery".

In linking this vital subject with "local conditions" and with "public opinion", and in failing to describe the "necessary machinery" or the scope of its powers, there is intentional ambiguity likely to raise obstacles to the creation of representative government in the future, or alternatively to bring into being an incomplete system which would not meet the desires of the people.

Para 8 of the White Paper says: "His Majesty's Government are charged with the Mandatory authority to secure the development of self-governing institutions in Palestine. Apart from this specific obligation, they would regard it as contrary to the whole spirit of the Mandate system that the population of Palestine should remain for ever under Mandatory tutelage. It is proper that the people of the country should as early as possible enjoy the rights of self-government which are exercised by the people of neighbouring countries....."

The British Government, who governed the country for more than twenty years ignoring its right to independence and self-government, now admit their past mistake, but do not seriously attempt to correct it. They mention the neighbouring countries as an example but fail to give Palestine anything like the régime operative in those countries during their transitional period.

The Arabs of Palestine insist upon the immediate establishment, within a reasonable transitional period, of a national government that would assume power, that would have a constitution formulated by an elected National Assembly, and that would enter into treaty relations with Great Britain with the object of ending the Mandate. Participation in the said government would be proportionate to the number of Palestinian citizens in the respective populations.

The Constitution. Section 6 of para 10 says: "At the end of five years from the restoration of peace and order, an appropriate body representative of the people of Palestine and of His Majesty's Government will be set up to review the working of the constitutional arrangements during the transitional period and to consider and make recommendations regarding the constitution of the independent Palestine State".

It is understood from this that the country will have no national constitution during the transitional period and that the constitution, for which recommendations will be made, will be for the independent State that will be established after the expiry of the transitional period. The usual procedure in making constitutions for independent States is through a Constituent or National Assembly elected by the people of the country, such as took place in Iraq, Egypt and Syria. There would be no justification for representatives of the British Government to participate in this case in formulating the constitution. Moreover, the powers of the "appropriate body" are restricted to the making of recommendations which are obviously to be submitted to the British Government. The whole matter is, therefore, ambiguous and is a violation of general procedure and usage.

The Arabs insist on having the government of the country during the transitional period, based on a constitution made by a National Assembly to be elected soon after the establishment of the national government, as stated above.

Confirmation of the Jewish National Home. The British Statement requires the recognition by the Arabs of the Jewish National Home. Sec. 7 of para 10 says: "His Majesty's Government will require to be satisfied that in the treaty contemplated by sub-paragraph (1) or in the constitution contemplated by sub-paragraph (6) adequate provision has been made for.....the protection of the different communities in Palestine in accordance with the obligations of His Majesty's Government to both Arabs and Jews and for the special position in Palestine of the Jewish National Home."

The Arabs do not recognize the Jewish National Home which they consider as a clear trespass upon their most sacred natural rights and one which can only be maintained by force. The people have never lost sight of this conviction since they first heard of the National Home.

The National Home has always been the fundamental cause of the calamities, rebellions, bloodshed and general destruction which Palestine has suffered for the last twenty years. No Arab in Palestine will ever

be prepared to recognise, in the Constitution or the Treaty, the existence of a Jewish Home as a *national* entity.

The insistence of the British Government on the confirmation of the Jewish National Home and its desire to give it a "special position", will have no other result than the continuance of the calamities which have befallen Palestine. Their insistence is the more unjustified in that they require adequate provision in the Treaty or Constitution for the protection of the different communities, of which the Jews are one.

The McMahon Pledge. Para 7 of the White Paper, in referring to the McMahon Correspondence, says: "His Majesty's Government regret the misunderstandings which have arisen as regards some of the phrases used. For their part they can only adhere, for the reasons given by their representatives in the Report, to the view that the whole of Palestine west of Jordan was excluded from Sir Henry McMahon's pledge".

The right of Palestine to independence and the fact that it is an Arab country are based, before McMahon's Correspondence, on a natural right which cannot be altered. It is the fact that Palestine has been Arab in population, language, culture, customs, traditions and history for at least 1300 years; that, when Great Britain occupied it, 93 per cent of the population were Arabs; and that the Arabs still hold the large majority in population and in the ownership of land.

The Arabs insist that Palestine was included in the Arab territories defined by the McMahon-Hussein Correspondence, and that by attempting now to exclude Palestine from the Arab territories, Great Britain has failed to fulfill its promise and has deceived the Arabs, apart from the fact that it is attempting an action which is contrary to established natural rights.

It is desirable here to quote from page 45 of the Official Report of the Committee on the McMahon Correspondence a statement made by the Lord High Chancellor of England in reply to a statement submitted by the Arab representatives on the Committee. Inter alia he said: "The Lord Chancellor has been impressed by some of the arguments brought forward in regard to the exclusion of Palestine under the phrase 'portions

of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo'. He considers that the Arab point of view as regards this aspect of the question has been shown to have greater force than has appeared hitherto...."

In another statement to be found in the Report of the said Committee on page 11 the following was said: "In the opinion of the Committee it is, however, evident from these statements that His Majesty's Government were not free to dispose of Palestine, without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities — which upon any interpretation of the Correspondence — His Majesty's Government have incurred towards those inhabitants as a result of the Correspondence."

III Immigration

On the subject of immigration the White Paper concludes that His Britannic Majesty's Government will only be justified in the further development of the Jewish National Home by immigration if the Arabs are prepared to agree to such immigration, and not otherwise.

In providing for the stoppage of immigration after five years, the White Paper states that "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."

The Arabs appreciate the due respect given to their stand on the subject of Jewish immigration and the decision to bring it to an end. Yet as they had continually expressed their strong opposition to immigration, they can see no justification for the delay in putting this decision into force or for leaving the door open for its possible resumption. Such a stipulation engenders much doubt and lack of confidence, as it is not difficult to imagine that, in future, Arab acquiescence might be invoked when in fact no such acquiescence exists; as long as the government of the country is not in the hands of its people, there is not sufficient guarantee against such imperialistic tactics being used.

Continuance of Immigration. In spite of the above enunciated principle the British Government has decided the continuance of immigration for a large number of Jews in spite of Arab opposition.

The statement endeavours to justify the violation of this general principle by giving three excuses :

First, that the immediate stoppage of immigration would damage the financial and economic system of Palestine and thus affect adversely the interest of Arabs and Jews alike. But in fact it is the continuance of immigration that damages the economy of a small country congested with immigrants and suffering from serious unemployment and a long period of trouble and unrest. The Arabs wish it to be known that the stoppage of immigration does not adversely affect their interests, but on the contrary such stoppage would have most beneficial results.

Secondly, that to stop abruptly further immigration would be unjust to the Jewish National Home. The Jewish National Home itself is based on injustice, and we cannot therefore see how an unjust cause can invoke justice. Before applying justice to the Jewish National Home it would be necessary to do justice to the people of the country.

Thirdly, that Palestine should contribute to the solution of the world Jewish problem. If the British Government sympathises with Jewish refugees, why should our country suffer for it? The Jewish problem arose in another continent, and we had no hand in its present complication. Why then should we be required to find a solution for it? Our country has so far been forced to contribute considerably; but our national safety and existence make it incumbent upon us to oppose emphatically any continuance in this respect.

The One-Third Proportion.

After all this, we read in sub-para 1 of para 14 of the White Paper that the British Government wishes to raise the Jewish population to ap-

proximately one third of the population of the country, and with this in view they fixed the figure of 75,000 for new immigrants who would be allowed admission.

We fail to see on what basis this proportion is established. The Government itself, in para 6 of the White Paper, admits that "the population of the National Home (the Jews) had risen to some 450,000, or approaching a third of the entire population of the country". It is therefore evident that the Jews have already acquired the above proportion, and so we fail to see why 75,000 are to be admitted. Besides Arabs and Jews, there are in the country citizens of various foreign states; and if the Jews are to have a proportion of approximately one-third, the question arises as to whether these foreign citizens will be included with the Arabs in the remaining two thirds or not; and if the foreign citizens are so included it would be necessary to inquire to what ratio the Arabs would fall in their own land.

All these considerations lead the Arabs to conclude that, intentionally or unintentionally, a good deal of uncertainty surrounds their real future position in their country. In no case do the Arabs agree that the Jews should have a fixed numerical proportion of one third or any other proportion, as such a position would be a real danger on Arab national existence.

The Existing Machinery. The White Paper stipulates that the existing machinery for ascertaining the economic absorptive capacity would be retained. The intended machinery is the same one that committed in the past unpardonable mistakes which led to the great influx of immigrants and resulted in serious economic crises and wide-spread unemployment as referred to by the reports of experts and official commissions.

Illegal immigrants. In the White Paper the British Government declares its intention to check illegal immigration, but they had often said this without taking any practical steps towards that end, and illegal immigration on a large scale continued unceasingly. The British Government further states that the numbers of illegal immigrants, who cannot be deported, would be deducted from the yearly quotas. Although some of

the illegal immigrants may be discovered, yet it cannot be said that all illegal immigrants are apt to be detected, thus leaving many undiscovered in the country.

Those dealing with illegal immigration among the Jews will find out that they incur no loss in the matter. Those who are discovered will be deducted from the yearly quotas, while those undiscovered will be a net profit. Could it not be reasonably said that in all this arrangement there is an implied encouragement for the continuance of such illegal practice? Why should no severe and deterrent penalties be laid against such practices?

The attitude of the Arabs towards immigration is uniform and unchangeable. It is the only natural attitude for a people who wish to preserve their national existence.

The Arabs insist on the complete stoppage of immigration and do not agree to anything less.

Towards the Jews who forcibly entered the country after the War against the will of the people, the Arabs have shown considerable conciliatory spirit. But if the British Government insist on depriving the Arabs of their clear rights, and the Jews insist on their ambitions in our sacred homeland, the Arabs would claim full right to reconsider their attitude in the matter.

IV. Lands

The Reports of expert Commissions, to which the White Paper refers, prove that arable land held by the Arabs is far below their need; and, in spite of the fact that those reports were made eight or nine years ago, no restriction has been imposed on the transfer of Arab lands to Jews, as para 16 admits. Since then, the transfer of Arab lands to Jews has continued and the normal growth of the population has taken its natural course, thus resulting in the fact that the Arab population has now a

greater need for land than it had at the time those expert Commissions made their respective findings.

Now after this considerable delay the new policy carries for us a very incomplete set of measures. Para 16 of the White Paper conveys to the mind that the country will be divided into areas, wherein transfer will be prohibited, restricted or allowed respectively. Para 17, however, at once proceeds to pacify the Jews in that this arrangement is temporary and that it will be open for the High Commissioner to review or modify it, thus making mitigation or removal of restrictions dependent on the development of cultivation methods and the increase of production.

It is worth noting that this arrangement is based on one of the provisions of the Mandate, that "the administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, ... shall encourage close settlement by Jews on the land."

This theory can never be agreed to by the Arabs. There is the crying need of future generations for land; and, moreover, the question is not one of an injury requiring a local remedy as circumstances permit. It is before and above all a question of the safety of our sacred heritage, and the Arabs accordingly insist on a complete and final prohibition of any transfer of lands from Arabs to Jews.

Conclusion: In summing up it may be concluded that the policy outlined in the White Paper does not satisfy Arab demands; and notwithstanding the statement by the British Government in para 3 of the White Paper that "His Majesty's Government are convinced that in the interests of the peace and well-being of the whole people of Palestine a clear definition of policy and objectives is essential", it is at once apparent that the British Government have surrounded their policy with ambiguity and indefiniteness in matters which inevitably call for clarity and definition.

The promised Independence is so bound by restrictions and conditions as to make it more of an illusion than a reality. Moreover the British Government intend to retain power in the country during the transitional period which may be protracted to more than 10 years.

The share of the people in Government during the transitional period is not made to exceed the appointment of some officials to posts in the present Mandatory system, and the country is made to remain without a Constitutional National Government such as that enjoyed in the neighbouring countries.

The Jewish National Home, the cause of all evil in the country, is still recognised, and it is further desired to confirm it and give it a "special position".

The continuance of Jewish immigration is ensured for five years under the administration in whose days hundreds of thousands of immigrants and tens of thousands of illegal ones entered the country, and which administration has brought about the calamities and unhappy situation now existing in the country.

The possibility of land transfer has not been finally removed, and the matter is made to rest in the hands of the High Commissioner and left to "circumstances".

All this points to an obstinate persistence in error rather than to a serious attempt being made to deal with the real causes of the lamentable situation now prevailing in the country.

Taking into consideration all these facts, the Arab Higher Committee is bound to proclaim, on behalf of the Arabs of Palestine, their refusal of this policy and their inability to cooperate with the British Government in its execution.

Para 13 of the White Paper stipulates that "apart from other considerations such a policy (rule by force) seems to His Majesty's Government to be contrary to the whole spirit of article 22 of the Covenant of the League of Nations, as well as to their specific obligations to the Arabs in the Palestine Mandate."

In spite of this, the British Government still endeavour to force on the Arabs, against their will, rights and demands, a policy based on the Mandate. Moreover, they will have to resort still further to a rule by force as the fears of the Arabs will not be dissipated and their anxieties not be allayed unless their demands are fully and immediately satisfied. Consequently, the British Government will remain responsible before God, history and humanity, for the continuance of the bloodshed, suffering and destruction which have been solely brought about by the rule of force hitherto imposed by them on the Arabs.

The Last Word. In deciding the fate of a living nation, the last word does not rest with White or Black Papers; it is the will of the nation itself that decides its future. The Arab people have expressed their will and said their word in a loud and decisive manner, and they are certain that with God's assistance they will reach the desired goal:

PALESTINE SHALL BE INDEPENDENT WITHIN AN

ARAB FEDERATION AND SHALL REMAIN

FOREVER ARAB

A Word of Thanks. The Arab Higher Committee sends its greetings to the Arabs of Palestine who, in defending themselves and their homeland, are undergoing such privations and suffering, and have earned universal respect by their patience and fortitude, proving thereby that they are worthy of remaining citizens of the Holy Land.

On behalf of Palestine, the Committee extends to the people and Governments of the Arab and Moslem worlds their heartfelt gratitude and appreciation for the kind assistance and support which they have shown towards the Arabs of Palestine in these difficult times.

Similar thanks and appreciation are due to all those liberal and humanitarian persons who have nobly supported Palestine in its ordeal. The Committee earnestly hopes that the continuance of this support will surely guarantee the attainment of the final goal, with God's help.

30th May, 1939

THE ARAB HIGHER COMMITTEE

11 Rabi El Akher, 1358