

Executive Committee of the Palestine Arab Congress. "Letter to the Permanent Mandates Commission" [Jerusalem, 9 May 1926]. In *Documents on Palestine Volume II: 1948-1973*. Jerusalem: The Palestinian Academic Society for the Study of International Affairs, 2007.¹

The Executive Committee of the Palestine Arab Congress, representing the overwhelming majority of the inhabitants of Palestine, have repeatedly appealed to the Permanent Mandates Commission against injustices inflicted upon the Arabs of Palestine by the Mandatory, who, to our strong belief, perverted the true spirit underlying Article 22 of the Covenant of the League of Nations. The members of this Commission have patiently considered most of the complaints raised by our Committee, together with comments and refutations submitted therewith by the Mandatory. But when these complaints and comments thereupon were laid down for discussion by your venerable Commission, it was found that the Commission has allowed an accredited representative of the Mandatory to appear before it, defend the policy of his Government, condemn complaints and refute accusations brought against it by statements' that were either equivocal or inconsistent with facts. This procedure, which gave one party to the controversy the invaluable privilege to appear before the tribunal to defend his case during the obligatory absence of the other party, is rather a degraded novelty in the history of legal procedure.

This one-sided procedure, insisted upon by the Permanent Mandates Commission, gave this Committee an opportunity to invite the Commission to visit Palestine for the purpose of studying this case of worldwide interest on the spot and thus sift and consolidate its information and evidence on the case in general; for it was perceived that it would be at last impossible for the Commission to give a final decision on a case by a one-sided enquiry. Although rejecting this sincere and just request, on the ground that it affects the dignity of the Mandatory, the Commission arrived at our conclusion by declaring, as a consequence of its discussions on our complaints with the accredited representative of the Mandatory in October 1925, that it was unable to give a decision based on documentary information that was refuted by one party or the other. This reasonable decision gave this Committee another opportunity to renew its request that the Permanent Mandates Commission would visit Palestine for the following purposes:

1. To ascertain the general complaints of this Committee submitted to it in 1924 and 1925.
2. To examine the complaint that the present economic conditions of Palestine are exceedingly unfavourable to Jewish immigration.

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This Committee believes that such a visit and an exhaustive enquiry on the spot will not only be of immense help to the Commission in giving a final effective decision but would also be of great assistance to the Palestine Administration itself, which is now drifting amidst stagnation and corruption.

Meanwhile, this Committee would reduce its complaints to one general question pertaining to the application of the Covenant of the League of Nations and the mandate, with the hope that in this question the Commission would be able to give a just decision.

Application of Article 22 of the Covenant of the League of Nations and Article 3 of the Palestine Mandate.

Article 3 of the Mandate for Palestine runs as follows: "The Mandatory shall, as far as circumstances permit, encourage local autonomy".

In accordance with Article 22 of the Covenant of the League of Nations, the mandate system was applied to Palestine, as to other countries "formerly belonging to the Turkish Empire which have reached a stage of development where their existence as independent nations can provisionally be recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone", in order to conduct its inhabitants to such political freedom as they have been deprived of under the Turkish regime. Thus it is clear, from both Article 22 of the Covenant of the League of Nations and Article 3 of the Mandate, that it is the foremost duty of the Mandatory to enlarge the sphere of political freedom in Palestine with the view of finally establishing an independent Government.

These fundamental provisions have been totally violated by the Mandatory of Palestine; for, instead of augmenting the political freedom enjoyed by Palestinians under the Turks, it had reduced them to the point of nullity. The Palestinian under the Turk elected his village representative, called Mukhtar, his Mayor and Municipal Council in town, the members of the Administrative Council, who administered the district under the presidency of the Governor, the members of the Common Council, who legislated for all questions relating to local affairs of the district, and finally his member of Parliament at Constantinople, where the general affairs of the Empire were freely discussed. Under the British mandate, the village representative is in practice appointed by the District Governor, the Mayor and the Municipal Council are appointed by the High Commissioner, the Administrative and Common Councils do not exist, and the Parliament is out of the question.

In order to cover these unanticipated actions, the Mandatory offered to Palestine the establishment of a Legislative Council, constituted of ten official British nominated members, two elected Jewish members and ten elected Arabs, under the presidency of the High Commissioner, who possessed a casting vote. Thus the Government officials in the Council together with the

two elected Jewish members who form one party to the controversy form a majority of thirteen members against an Arab minority of ten members. Moreover, the High Commissioner was given the power to veto any decision of the Council, the sphere of jurisdiction of which was very limited.

The inhabitants who have already enjoyed the privileges of a democratic system of government found this offer a very meagre substitution for all that they enjoyed under the Turks and so they rejected to co-operate with the Government on the basis of that proffered sham Constitution.

The Mandatory clings to the plea that an elected Legislative Council would lay the overwhelming majority of the members in the hands of anti-Zionist Arabs, who would oppose the Administration in applying such terms of the mandate that effect the establishment of a Jewish National Home. Al-though this Committee declares that, now and forever, any Arab of reason and love to his country in any territory of the Arabic-speaking countries is bound to oppose Zionism as being most detrimental to the Arab national cause, yet it does not find any weight in that plea of the Mandatory as long as it realises that fundamental questions underlying the general policy of the mandated territory fall within the jurisdiction of the League of Nations alone.

The unfounded fears of the Mandatory for the Zionist experiment are alienating the co-operation of the majority of the inhabitants and owners of the country and enhancing opposition, thus creating an inflammable political and poisoned economic atmosphere.

The Executive of the Palestine Arab Congress desire to urge that a national independent democratic government, in which Arabs and Jews would be represented in proportion to their numbers, should be established in Palestine.

*The General Secretary, Executive Committee, Palestine Arab Congress: (Signed)
Jamal Husseini.*