

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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Memorandum received on 17 June 1949 from Mr. Isa Nakhleh,  
Representative of the Arab Higher Committee for Palestine.

The representative of the Arab Higher Committee for Palestine presents his compliments to the Honourable Chairman and Members of the United Nations Conciliation Commission on Palestine and requests that he be allowed to respectfully submit the following remarks for the consideration of the Honourable Commission.

The representative of the Arab Higher Committee hopes that his purpose in submitting these remarks will not be misunderstood. They are submitted with the utmost respect, with all good will, and with the hope that the Honourable Commission will appreciate, and give due consideration, to the point of view of the Arabs of Palestine without the appreciation of which, all efforts of the Honourable Commission to establish peace in the Holy Land would be in vain.

We assume that in appointing this Honourable Commission, the General Assembly of the United Nations intended that this Honourable Commission will use its good offices as a Conciliation Commission for the purpose of establishing peace in the Holy Land.

The peace intended to be established is real not artificial, absolute and not relative, just and not unjust peace. Its aim is to bring justice and happiness to the people of Palestine who suffered so much and so long; and not to establish peace for the absolute benefit of one party to the utter destruction of the other, or to establish peace for the strategic or defence purposes or ulterior motives and plans of one or more powers foreign to Palestine and its people.

THE DUTIES OF THIS HONOURABLE COMMISSION :

It is hardly necessary to remind this Honourable Commission of its duties as laid down in the Resolution of the General Assembly of the 11th of December 1948, yet for the purpose of this Memorandum we venture to state that the most important duties of this Honourable Commission could be summarised as follows :

1. To assume the functions given to the United Nations Mediator on Palestine by the Resolution of the General Assembly of the 14th of May 1948, namely "to promote a peaceful adjustment of the future situation of Palestine.
2. "To take steps to assist the Governments and Authorities concerned to achieve a final settlement of all questions outstanding between them".
3. To make arrangements for the protection of, and the free access to, the Holy Places in accordance with existing rights and historical practice.
4. To present to the General Assembly a detailed proposal for a permanent International Regime for the Territory of Jerusalem.
5. "To report immediately to the Security Council any attempt by any party to impede access to Jerusalem, by road, rail or air.
6. While resolving that Refugees wishing to return to their homes should be permitted to do so at the earliest practicable date, the General Assembly instructed the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the Refugees".

#### THE FIRST AND SECOND DUTIES : CONCILIATION AND MEDIATION.

Under the first and second duties, this Honourable Commission is entrusted with the task of using its good offices for the peaceful and just settlement of the Palestine dispute which has been entertained by the United Nations, its organs and Committees, since the month of April 1947.

The real intention of the General Assembly in appointing this Honourable Commission could be ascertained and fully appreciated by reviewing the events after the 29th of November 1947. As a result of the Decision of the General Assembly to partition Palestine, disturbances and hostilities broke between Arabs and Jews all over Palestine. The Security Council became seized of the questions after receiving from the United Nations Palestine Commission its first special report on the problem of security in Palestine.

After very many sessions and lengthy discussions of the matter by the Security Council, it became evident that the Partition of Palestine could neither be implemented by consent of the

parties, nor by force, as neither the General Assembly nor the Security Council has any authority to implement a political decision by force of arms. Consequently it became necessary for the General Assembly to consider further the Palestine Question, with the hope of finding a peaceful solution acceptable to both Jews and Arabs. Thereupon the Security Council in its decision of the 1st of April 1948 called upon the Secretary General of the United Nations to convoke a Special Session of the General Assembly for the purpose of "Examining the Question of the future Government of Palestine".

On the 12th of April 1948 the Security Council called upon "All persons and organizations in Palestine and especially upon the Arab Higher Committee and Jewish Agency to refrain, pending further consideration of the future Government of Palestine by the General Assembly, from any political activity which might prejudice the rights, claims or positions of either community".

The Special Session of the General Assembly was convoked on or about the 19th of April 1948. Several proposals were submitted to the Political Committee for placing the whole of Palestine under Trusteeship or for making truce in Palestine. As no proposal was assured of the prospect of a two third majority it was finally resolved by the General Assembly, on the 14th of May 1948, to appoint a United Nations Mediator "To use his good offices with local and community authorities in Palestine to promote a peaceful adjustment of the future situation of Palestine".

In the preamble of the decisions of the Security Council of the 4th and 16th November 1948 respectively the following two phrases occur : "The Truce shall remain in force... until a peaceful adjustment of the future situation of Palestine is reached". "Taking note that the General Assembly is continuing its consideration of the future Government of Palestine in response to the Request of the Security Council of April the 1st 1948".

During its Paris Session in September 1948, the General Assembly considered the recommendations of the late United Nations Mediator on Palestine and several other proposals submitted thereto. Again as not one proposal was assured of the prospect of a two third majority, it was resolved by the General Assembly on the 11th December 1948 to appoint this Honourable Commission with the purpose of continuing the efforts of the

United Nations for bringing about " by peaceful means the adjustment or settlement of this international dispute or situation " within the meaning of articles 1 and 14 of the United Nations Charter.

Pacific Settlement of Disputes is a cardinal principle in the United Nations Charter. It is a task entrusted to the General Assembly under chapter IV as well as to the Security Council under chapter VI of the Charter.

By appointing this Honourable Commission the General Assembly has delegated thereto its task of Conciliation and Mediation.

The object of any Conciliation or Mediation in International Practice, is to put an end to a dispute by finding the most opportune solution and, as laid down in article 1 of the Charter "in conformity with the principles of justice and International Law".

In the light of the above facts and principles it is evident that the first task of this Honourable Commission is to determine the issues or "all the questions outstanding" between the parties to the Palestine dispute; and having determined the same to try to reconcile the opposing claims and find a satisfactory solution on each issue.

It is pertinent at this stage to examine briefly the issues or "The questions outstanding between the parties to the Palestine Dispute".

The basic issues between the Arab States and the Arabs of Palestine on one side, and the Jews on the other, could be curtly put as follows :

1. Who is entitled to the domination and control of Palestine, the 1.300.000 Arabs of Palestine, the inhabitants of the country or the 850.000 Jewish immigrants from various Nationalities who have migrated to Palestine during the last thirty years against the wishes and without the consent of the people of that country.
2. What is the form of Government to be established in Palestine and whether Palestine be a unitary state or a federal or in any other form which will be in accordance with Democratic Principles and the Principle of Self-Determination.
3. Whether Jews should be allowed to migrate to Palestine contrary to the interests and Birthright of its Inhabitants.

4. Whether the Jewish minority in Palestine can, in view of "The without prejudice clause" constantly occurring in all decisions of the General Assembly and Security Council namely "without prejudice to the parties rights, claims or position with regard to a peaceful adjustment of the future situation of Palestine", declare a Jewish state against the wishes and contrary to the interests of the Arab majority in Palestine.
5. Whether the Jewish Terrorist gangs having, with their appalling crimes, and the help and intrigues of certain powers, driven one million Arabs out of their homes, would be allowed to prevent them from returning to their homes and properties.
6. Whether the Jewish minority in Palestine be allowed to plunder Arab towns, villages, homes, properties and wealth. While Jews have been unable to purchase and possess more than 1.800.000 dunums of land during one century and a half, yet by unlawfully preventing Arabs from possessing their lands and properties they wish to plunder from Arabs over 15 wholly Arab towns, 400 wholly Arab villages, about 5 million dunums of the most fertile lands including almost all their citrus and banana plantations and 50 % of other plantations. Moreover they are depriving Arabs of the use and enjoyment of about 10 million dunums of public and waste lands which consist mainly of grazing lands attached to Arab villages.
7. Whether the present Jewish leaders who planned and executed against the Arabs in Palestine massacres and outrageous crimes exceeding in its brutality the atrocities of Nazi Leaders, should not be tried as war criminals and hanged.
8. Whether Jewish Leaders who executed their programme for the desecration, profanation and destruction of Christian and Moslem Holy Places, who have ordered ten days ago that heaps of Holy Gospel and the Holy Quoran be burnt in Tel Aviv squares in mass celebrations, should not be tried and punished for their Sacrilege against Christianity and Islam.

These are the issues between the parties which the Honourable Commission should entertain. Yet in its two progress reports to the General Assembly the Honourable Commission has

almost brushed them all aside and avoided the determination thereof by stating in para. 6 of its progress report (A/AC.1.25 PRI) of the 1st of March 1949 the following : "During this preliminary contact with the Governments concerned, the Commission had no intention of entering into detailed and thorough discussions on all the questions which will have to be solved before a stable peace can be concluded".

From its attitude in "the Exchange of Views" as termed by the Honourable Commission, at Lausanne, it is doubtful that the Honourable Commission has any intention of entering any discussion on all or any of the "questions which will have to be solved before a stable peace can be concluded".

Six months have already passed since its appointment and the Honourable Commission is still following the Ostridge Policy by failing to take any cognizance of the fundamental issues that must be solved before a real and just peace could be concluded.

We most respectfully submit that this Honourable Commission has erred in the following :

1. The Honourable Commission has evaded the real issues in this Palestine dispute and wrongfully changed the basis of discussion to questions relating to boundaries under the guise of "Territorial discussion", a change detrimental to Arab claims, position and rights.

It seems to any impartial observer that the Honourable Commission has treated all the real issues in the Palestine dispute as have been settled, and closed, and that its only function is to assure the Jews of fixed boundaries, to obtain for them the recognition of the Arab states and assure them of heavenly peace, so that they be able to enjoy their plunders of Arab wealth and property, and prolong their fanatic celebrations at the destruction of the National Integrity of the Palestine Arabs, and the abolition of Christianity and Islam in Palestine, around bonfires consuming heaps of the Holy Gospel and Holy Quoran.

2. The Honourable Commission erred in the limitation of its role as stated in the 2nd paragraph of its progress report of the 1st of March 1939, "to bring about a rapprochement between the parties concerned".

In its letter to the Arab Delegations of the 31st of May 1949, the Honourable Commission has tried to limit

further its role as a channel for passing the views of the Arab Delegations to the Jewish Delegation and vice versa. While it is true that this Honourable Commission is not a Judicial Tribunal, or a Commission of Arbitration yet, it is submitted that its role is to put proposals for the solution of the dispute on all issues. It is worthy in this connection, to refer the Honourable Commission to the views of the Honourable Late Count Bernadotte expressed in paragraph 7, division III part I of His report of 18th September 1948 at page 12 : "In accepted international usage the employment of " good offices " involves offering friendly suggestions to facilitate adjustment of a controversy between conflicting parties. Mediation is a consequence of the tender of good offices, and the primary task of the mediator is to initiate proposals calculated to harmonize conflicting interests and claims".

It is further submitted that these "friendly suggestions" or "proposals" must be just and reasonable. The guiding principles for this Honourable Commission should be the following :

- a. That no recognition should be accorded to any matter that has been achieved by one party by force and which is prejudicial to the claims, rights and position of the other party as existed on the 29th of November 1947.
- b. The well known democratic principles especially the Principle of Self-Determination as recognised by the United Nations Charter.
- c. The principle embodied in the Atlantic Charter which has been accepted and signed by all the original United Nations, namely "that they desired to see no territorial changes that do not accord with the freely expressed wishes of the people concerned, and that they respect the rights of all people to choose the form of Government under which they will live, and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them".

To disregard all these principles and enable the Jewish minority in Palestine to decide the fate of the Arab majority and usurp 12 Arab districts in which Arabs are the overwhelmingly majority and treat Arabs as their slaves, is a crime, to which we hope that the distinguished

Members of this Honourable Commission will never be a party.

3. It is most respectfully submitted that the Honourable Commission, under undue Jewish influence and pressure, is trying to disregard the point of view of the Arabs of Palestine.

It has been the practice in the Political Committee of the General Assembly, the Security Council and the Trusteeship Council to accord a hearing to the Arab Higher Committee, the Political Body representing the Arabs of Palestine. Yet this Honourable Commission, since March 1948, has made up its mind to disregard the point of view of the Arabs of Palestine, by not giving them the same opportunity to express their point of view, afforded to the Jews in Palestine, even after the representative of the Arab Higher Committee, in the sitting with the Honourable Commission of the 13th of May at Lausanne, offered the cooperation and good will of the Arab Higher Committee in facilitating the task of the Commission.

It is incomprehensible how could this Honourable Commission allow itself the liberty of discussing matters involving the birthright, the national rights, the civil rights, the religious rights, the rights to the homes and properties of the Arabs of Palestine with a Jewish Delegation representing every nationality in the world except Palestine, and disregard the opinion and wishes of the Arabs of Palestine.

No inference could be drawn from this attitude of the Honourable Commission other than that it has allowed itself to be subjected to Jewish influence and the influence of certain Jewish controlled Governments who have, through their undue interference and pressure in the United Nations and elsewhere, inflicted on the Arabs of Palestine the greatest injustice and the biggest calamity.

4. This attitude of the Honourable Commission in these conversations at Lausanne has encouraged the Jews to go to the extreme in their audacity. Jews wish to shift the basis of discussion from the Arab parts of Palestine which they have already unlawfully plundered and to which they are legally and justly not entitled, to other parts of Palestine which is still occupied by Arab forces. Their impudent suggestions regarding Gaza and their ideas



regarding their alleged Eastern boundaries are only examples of the Jewish lust for expansion and aggression.

Instead of being treated with the contempt they deserve, this Honourable Commission transmitted these suggestions for the Arab Delegations for comment. The matter did not even rest at that. Some Members and Advisers of this Honourable Commission have deemed fit to feel the reaction of Arab delegates to these insolent Jewish proposals and have at one time or the other approached Arab Delegates with certain ideas emanating from Jewish sources. Ideas which, one or two weeks later, appeared in memoranda submitted by the Jewish Delegation.

It is respectfully submitted that the encouragement of the Jews by the Honourable Commission in such matters and the attitude of some Members or Advisers, bona fide as it may be, are not conducive to appeasement of passions, good will and confidence, matters very essential to the success of any mediation or conciliation.

Furthermore the Honourable and Distinguished Members and Advisers of this Commission are not only representing their Governments, but the United Nations, and it is their duty as men of high integrity to observe a strict standard of fairness and impartiality irrespective of the views and policies of their Governments.

#### DUTIES 3 AND 4 : PROTECTION AND PRESERVATION OF THE HOLY PLACES.

Making arrangements for the protection and preservation of the Holy Places is a Paramount duty of this Honourable Commission. The Honourable Commission was charged with this duty after the whole world knew about the evil intentions of Jews towards these Holy Places and the outrageous crimes they committed against them. This Honourable Commission received several memoranda from representatives of Moslem and Christian Bodies who reported the violations and desecrations of these Holy Places.

In spite of the anxiety shown by Moslems and Christians all over the world, yet this Honourable Commission did not see fit to visit the Holy Places all over Palestine and inquire into these violations and desecrations.

Neither did the Honourable Commission submit anything in its progress report of the 1st of March 1949 about the protection of these Holy Places. With complete indifference to their

deseccrations and violations, the Honourable Commission, in paragraph 5, page 4 of the said report says "with reference to the Holy Places situated outside the Jerusalem area, the Commission has not considered it necessary to take any special measures for the time being, but it received the impression, during its tour of the various capitals which will be mentioned later, that the political authorities concerned would undoubtedly be ready to give the guarantees required by the resolution of the General Assembly".

It is most respectfully submitted that this is a gross negligence of duty on a matter concerning hundreds of millions of Christians and Moslems in the world. It is this Honourable Commission's sacred duty to institute an inquiry into the desecrations and violations of these Holy Places and take into consideration the reports submitted by representatives of Moslem, Catholic, Orthodox and Protestant Bodies and Clergy in Palestine in which it was definitely charged :

1. That Jews utterly destroyed Mosques, Churches and religious Institutions all over Palestine.
2. Jews maliciously and intentionally inflicted serious damage on Christian and Moslem Holy Places in Jerusalem and in other parts of Palestine.
3. Jews have desecrated and violated Mosques and Churches in the areas they unlawfully control as follows :
  - a. They have broken Crosses, Holy Pictures and Statues in Christian Churches.
  - b. They destroyed and burnt the Holy Gospel and the Holy Quoran.
  - c. They have stolen all sacred articles in Churches.
  - d. They have urinated on the altars of Churches and Mosques.
  - e. They have reached the depth of all depravity by committing the rape of Christian and Moslem girls in Mosques and Churches.
  - f. They have prevented and are still preventing Christian and Moslem religious Leaders and Clergy from practising their religious rights or duties.

The latest authentic reports that have come to me to Lausanne from the Arab Higher Committee include the following new outrageous Jewish behaviour :

1. Jews illegally and without any justification arrested Father Jule, Abbot of the Monastery of St. Nicodemus Church in Ramle, and put him under concentration in Tel Aviv.

2. After the Evacuation of Latrun by the Arab Legion, the Jews forced the Fathers of the Trappist Monastery to leave their Monastery to the Arab area.
3. In Jerusalem Jews turned out all Christian Priests, Sisters and Monks from the following Convents and Institutions : St. Joseph, Ratizbun, Shmidt, Terresanta College and Redemptionist Sisters. Jews occupied all these Convents and Institutions and are using them as offices. The big halls were turned into amusement centres.
4. Jews have unlawfully imprisoned Sheikhs and Christian Priests all over Palestine especially those of Acre, Shafa Amr, El Rameh and of many other towns and villages.
5. They are at present inflicting on Bishop Hakim of Haifa so many hard restrictions that do not become his dignity or liberty as the Head of the Greek Catholic Church in Palestine.
6. The liberty of Christian Churchmen and the Franciscan Fathers in Nazareth has been greatly restricted and they are completely isolated from the rest of the world.
7. The Jews have declared their evil intentions to destroy the Mosque of Omar and rebuild the Jewish Temple in Jerusalem. They on more than one occasion displayed their wicked intention to destroy the Church of the Holy Sepulchre. The Arab Higher Committee is in possession of reliable information of certain Jewish plans to attack the Old City of Jerusalem in the very near future. Their occupation of Jabal Almukabir is a part of that plan to launch an attack on Jerusalem.

In the light of the above facts we respectfully urge the Honourable Commission to do the following :

1. To appoint a Sub-Committee to immediately inquire into the desecrations and violations committed by Jews against the Christian and Moslem Holy Places and religious Institutions and their behaviour against Moslem and Christian Clergy and towards Christianity and Islam.
2. To forward its findings to the Secretary General for circulation to Members of the United Nations.
3. To make immediate arrangements for the release of all Moslem and Christian religious Clergy who have been imprisoned or detained by Jews, and to lift all restrictions on Christian and Moslem religious Heads and Personnel, in all the areas of Palestine controlled by Jews.

4. Pending the final settlement of the Palestine problem to demilitarise Jerusalem City and cause the evacuation by Jews of all Arab Quarters in Jerusalem City.

THE 5th DUTY : FREE ACCESS TO JERUSALEM.

The Security Council maintained in several of its decisions that there should be a free access to Jerusalem by road, air and rail. The General Assembly in its decision of the 11th of December resolved that "the freest possible access to Jerusalem by road, rail and air should be accorded to all inhabitants of Palestine", and instructed the Honourable Commission "to report immediately to the Security Council for appropriate action by that organ, any attempt by any party to impede such success".

During Christian Easter Celebrations and Nabi Mossa Moslem Celebrations at Jerusalem in April this year, Jews with the intention of preventing Christians and Moslems from practising their faith, refused to open the Bethlehem-Jerusalem road or the Gaza-Beersheba-Jerusalem road and allow free access to Jerusalem, the centre of these Christian and Moslem Celebrations, thereby depriving the Christian and Moslem of Bethlehem, Hebron, Beersheba and Gaza Sub-Districts from taking part in these religious Ceremonies and Celebrations.

Yet this Honourable Commission while well aware of these facts neglected to report them immediately to the Security Council for no reason other than the fact that it is Jews who are in the wrong.

THE 6TH DUTY : REPATRIATION AND RESETTLEMENT OF REFUGEES.

In its second progress report of the 5th of April 1949 the Honourable Commission "had no difficulty in recognizing the truth of the Arab contention that for humanitarian and political reasons it is necessary to give absolute priority to the Refugee Question, over and above all other questions pending between the parties".

The Honourable Commission says "the visits paid by Members of the Commission to several Refugee camps gave them an opportunity to see for themselves the deplorable material and moral situation of the Refugees at present. Moreover, the desperate uncertainty of the future for these unfortunates when the funds at the disposal of Mr. Griffis' Organization shall have been exhausted makes it imperative that measures be taken toward a prompt and permanent solution of the question".

While admitting that it is the right of the Refugees to go

home and that it is the Commission's duty to help them to do so, the Honourable Commission in page 3 of that report produces arguments that not only undermines its said duty, but also the resolution of the General Assembly and its very argument regarding the urgency of the Refugee Problem. The Honourable Commission starts by pointing out some imaginary difficulties and some unforeseen possibilities, and finally sabotages in advance all its efforts by saying "moreover, the Commission is of the opinion that the Refugee Problem cannot be permanently solved unless other political questions, notably the question of boundaries, are also solved". This untenable statement on page 3 of the report is contradictory to what the Honourable Commission had recognized at page 2 of the said report that "For humanitarian and political reasons it is necessary to give absolute priority to the Refugee Question, over and above all other questions pending between the parties".

We most respectfully submit that as regards the Refugee Problem this Honourable Commission has erred in the following:

1. By not treating the Refugee Question as urgent and by failing to take any immediate steps for repatriation of Refugees.
2. By connecting the Refugee Question with political questions notably the question of boundaries which involves untold difficulties and most certainly will not be settled.
3. By raising doubts as to the practicability of returning the Refugees to their homes.
4. By indirectly encouraging the Jews to take the unjustifiable and unreasonable attitude of refusing to allow Arab Refugees to return home.

#### C O N C L U S I O N :

When all is done, it is worthy to note that the attitude adopted by this Honourable Commission towards all its aforementioned duties, together with the attitude of the Jews and their aggressive intentions, are responsible for the deadlock in the Lausanne conversations which eventually might come to naught. The Jews and their unjustified admission to the United Nations have obstructed every chance of a pacific settlement of the Palestine Problem. Every day the Jews are giving grounds for censure by the Security Council, the General Assembly and

world conscience and public opinion. Yet the Jews are being constantly shielded, presented as justified while in the wrong, as the innocent party while deep in their aggression. Surely there must be an end to this one-sided treatment of the Palestine Problem. The concepts of the Arabs of Palestine about justice, fair play, and ethics in International Affairs have been paralyzed by the events of the last year.

We earnestly hope that this Honourable Commission will reconsider its position in these negotiations, rid itself of the outside pressure of some Governments and view the real issues of the Palestine Problem with the fairness and sense of justice well known about the Distinguished Members of this Honourable Commission. Should and when this Honourable Commission feel that its efforts will not be crowned with success, we feel that it is the duty of this Honourable Commission to tell the General Assembly and world opinion about the wickedness, the fantastic demands, and aggressive intentions of Jews which are responsible for its failure in its task to bring justice and peace to Palestine.

(s) Isa NAKHLEH

Representative of the Arab Higher  
Committee for Palestine