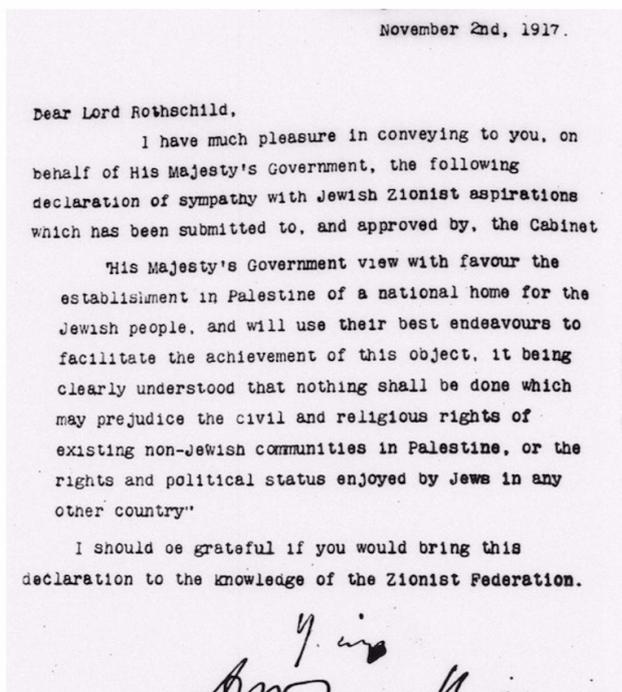
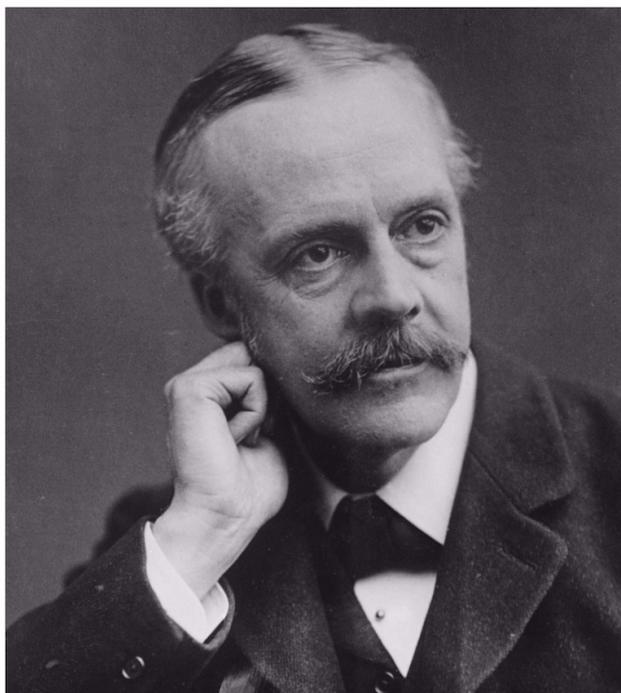


# Palestinian Lawyers Sue UK Over Balfour Declaration

by Hugh Fitzgerald



In what is evidently not a joke, three Palestinian NGOs have sued – in a Palestinian court, of course, in Nablus – the government of Great Britain for the Balfour Declaration which, say the plaintiffs, has been the cause of all the subsequent misery the “Palestinian people” have suffered. The story is here: “Palestinian NGOs sue UK over 1917 Balfour Declaration,” [Israel Hayom](#), October 23, 2020:

*Palestinian lawyers on Friday filed suit against the British government in a Nablus court over the 1917 Balfour Declaration, which spelled out the United Kingdom's support for the establishment of a national home for the Jewish people.*

*Signed by then-British Foreign Secretary Arthur James Balfour, the declaration is considered the historic precursor to Israel's inception in 1948.*

Actually the Balfour Declaration is the “historic precursor” to the Palestine Mandate (1922), which in turn is the real precursor of the Jewish state, setting out its territorial boundaries, and detailing the duties of Great Britain, as the holder of the Mandate, to further the establishment, through “encouraging Jewish immigration” and “close settlement by Jews on the land,” of the Jewish National Home.

In this document – the Mandate for Palestine – the League of Nations recognized the “historical connection of the Jewish people with Palestine” and the “grounds for reconstituting their national home in that country.” Thus was acknowledged the 3500-year Jewish connection to this land, where Judaism, and the Jewish people, were both formed. This historic claim thus became a legal one, for the League of Nations’ system of mandates became part of international law.

*According to French news agency AFP, lawyers representing the Federation of Independent and Democratic Trade Unions, International Commission to Support Palestinian People’s Rights and the Palestinian Journalists’ Syndicate filed the lawsuit, arguing that “the suffering of the Palestinians” stemmed from the Balfour Declaration.*

In 1917 there were no “Palestinians.” Or rather, the word “Palestinian” was used to describe the Jews, not the Arabs, then in “Palestine.” In that land, at the time of the Balfour Declaration, there were fewer than 600,000 Arabs, none of whom were considered in 1917, or in 1937, or in 1957, to constitute a separate “Palestinian people.” They were indistinguishable in religion, language, dress, cuisine, and customs, from Arabs in neighboring lands; in fact, many of the Arabs in “Palestine” in the first half of the 20th century had recently come from Syria, Egypt, and Iraq, attracted by the economic development that the arrival of the Zionist pioneers fostered.

*The British Mandate is at the root of the suffering of the*

*Palestinian people and has paved the way for the violation of their rights and the plunder of their land," said Munib al-Masri, head of the Federation of Independent and Democratic Trade Unions.*

*The Palestinians have repeatedly condemned the declaration, which they refer to as the "Balfour promise," claiming Britain was giving away land it did not own. The Palestinian Authority has tried to get Britain to renege on the historic document in the past, to no avail.*

The Balfour Declaration did not "give away" any land. It merely expressed an opinion, that "His Majesty's Government looked with favor" on the establishment, in Palestine, of the Jewish National Home. Zionist pioneers had been streaming for decades into historic Palestine, where they bought land, often from Arab and Turkish absentee landlords in Amman and Beirut, at highly inflated prices. No Arab-owned land was "given away" to the Jews by the British.

*PA leader Mahmoud Abbas has on more than one occasion castigated London over the Balfour Declaration, saying the United Kingdom "signed away the Palestinians' homeland and initiated decades of persecution."*

The Jews, right up to the War of Independence in 1948, paid for every dunam of private land they settled on in Mandatory Palestine. The Mandate's explicit provisions gave Jews the right to settle on "state and waste lands," which they also did. After the 1948 war, in which the armies of five Arab countries tried to snuff out the young life of the nascent Jewish state, Jews did settle on land that had been abandoned by their Arab owners, rather than let it remain unused. Great Britain had nothing to do with that.

As for Mahmoud Abbas' claim about the U.K. "signing away the Palestinians' homeland," the "Palestinians" came into

existence as a separate – if entirely factitious – people only in the late 1960s, created for propaganda purposes, to turn inside-out the Arab gang-up on Israel, which could now be presented as the struggle of a tiny people – the “Palestinians” – against the mighty Israelis.

His claim of the U.K. having “initiated decades of persecution” is equally absurd. The British sided with the Arabs repeatedly: when at the Cairo Conference in 1921 they closed off all of eastern Palestine to Jewish emigration, and transformed it instead into the Emirate of Transjordan; when they went easy on murderous Arab rioters but handed out stiff sentences to Jewish leaders, like Vladimir Jabotinsky, who was imprisoned for trying to create Jewish self-defense units; when they expelled Capt. Orde Wingate from Palestine for being too sympathetic to the Zionists and for helping the Jews organize Special Night Squads to defend themselves against Arab marauders; when instead of “facilitating Jewish immigration” as they were obligated to under the Mandate, the British kept Jews out at the time of their greatest peril, before and during World War II, and continued, after the war, to prevent the desperate survivors of the Nazi camps from reaching Palestine. And finally, during the 1948 Arab-Israeli war, the British embargoed arms to the Jews but supplied them to Jordan, Egypt, and Iraq. It’s a lot to overlook, but Mahmoud Abbas and these Palestinian lawyers “suing” Great Britain over the Balfour Declaration have proven equal to the task.

Let’s see what the Balfour Declaration says.

Lord Arthur Balfour was the British Foreign Secretary when he issued the Balfour Declaration on November 2, 1917. It called for “the establishment in Palestine of a national home for the Jewish people.” This promise was made in a letter from Balfour to Lionel Walter Rothschild, 2nd Baron Rothschild (of Tring), a leader of the Anglo-Jewish community.

Here is the complete text:

*Foreign Office*

*November 2nd, 1917*

*Dear Lord Rothschild,*

*I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet*

*His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors 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.*

*I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.*

*Yours,*

*Arthur James Balfour*

The first paragraph expresses the government's "sympathy" with the aspirations of the Zionists to recreate the Jewish National Home. The third paragraph merely requests that the recipient, Lord Rothschild, share the letter's contents with the Zionist Federation.

It is the second paragraph that contains the document's essential message. It is exactly one sentence long, and commits the British government to using "its best efforts" to help achieve that Jewish National Home. It says nothing about "taking" land from the local Arabs or "giving" land to the

Jewish pioneers. It does say that that nothing should be done which might "prejudice the civil and religious" rights of existing non-Jewish communities, but it very deliberately does not mention the "political" rights of those communities, for it was clearly understood that the creation of the Jewish National Home would of course infringe on the "political rights" of non-Jews living within that national home. This Jewish National Home was, unapologetically, to be the political expression of the Jewish people, the only state which they would be able to call their own. We might note that the Arab people, by contrast, are more richly endowed with countries – there are 22 members of the Arab League – than any people on earth. Whenever the Arabs discuss the Balfour Declaration, they carefully avoid discussing why there was – quite deliberately – no mention of "political rights" of the "existing non-Jewish communities in Palestine" in the Declaration.

The Arabs – who did not metamorphose into the "Palestinian people" until 1967 – in Mandatory Palestine were not preyed upon by the Zionists. It was they who continually attacked Jews everywhere in the Mandate, from settlers in the Galilee, to religious Jews in Jerusalem, to shoppers at open-air food markets in Haifa and Tel Aviv. In 1929, the Arabs massacred or drove out every last Jew from Hebron, the second holiest city in Judaism, and for a few years after that, Hebron remained free of Jews for the first time in 3000 years. It was only after nearly 20 years of steady Arab attacks that the Jews, especially members of the Irgun, learned how to successfully retaliate against the murderous marauders with attacks of their own.

The Palestinian NGOs may not know it, but far from encouraging Jewish immigration and "close settlement of Jews on the land," as required by Article 6 of the Mandate for Palestine, the British at every turn made life difficult for the Zionists. In 1921, the British unilaterally closed off to Jewish

immigration all of the territory east of the Jordan River "out to the desert," which the Zionists had been given to understand would be included in the Palestine Mandate. By this one move, 78% of what was originally to have been part of the Jewish National Home instead became the judenrein Emirate of Transjordan, created in order to provide the Hashemite Emir Abdullah with a state of his own, just as his younger brother Feisal had been set upon the throne of Iraq by the British. Just as there were many among the British administrators in Palestine who were unsympathetic to the Zionists they were supposed to be assisting in the creation of the Jewish National Home, back in London at the Foreign Office there were the "Arabists" who believed it more important to win favor with the Arabs than to fulfill Great Britain's responsibilities, as Mandatory, to help Jews emigrate to, and settle in, Palestine.

One example of the anti-Zionist feeling is demonstrated by the exceptional case of British army officer Orde Wingate. Wingate became a Zionist himself; he organized and led a joint British-Jewish military unit, the Special Night Squads (SNSs), to defeat Palestinian Arab rebels fighting against British rule and Jewish immigration to Palestine during the Arab revolt, 1936–39. But his Zionist sympathies won him no plaudits from the British in Palestine; instead, because of those sympathies he lost his command and was sent back to Great Britain; he would go on to deeds of derring-do, first in Ethiopia and then in Burma, where he founded and led a group of special operations guerrillas known as the Chindits, who harried the Japanese, but Wingate would never return to Palestine.

Far from encouraging Jewish immigration as it was required to, according to Article 6 of the Mandate for Palestine, the British adopted a White Paper in 1939 that limited Jewish immigration – this at the time of the greatest need for desperate Jews in Europe to find refuge in Palestine – to a

mere 15,000 a year for five years, after which any Jewish immigration would have to be approved by the Arabs. This meant, effectively, an end to such immigration. Before and during the war the British prevented ships carrying Jewish refugees from landing in Palestine; after the war, it was the same thing – the British turned away ships carrying Jews who had survived the death camps. The most famous of these ships was the Exodus, with thousands of Jewish survivors of the camps aboard, that was prevented from discharging its human cargo in Mandatory Palestine. They were forcibly returned by the British to Europe.

During the 1948-49 war, while there was an official embargo on weapons for the Jews, the British continued to supply weapons to the armies of Jordan, Egypt, and Iraq. It was Jordan's Arab Legion, trained, equipped, and led by British officers, and headed by John Bagot Glubb, or "Glubb Pasha," that was the only successful Arab unit in that war; the Legion seized and held the "West Bank" that Great Britain, as Mandatory, was supposed to ensure would be included in the Jewish National Home. The historical record is clear: about the behavior of the British in Mandatory Palestine, the Palestinian Arabs have little to complain about.

But the Jews are a different story. They were constantly being betrayed by Great Britain, the Mandatory. In 1921, the British closed Eastern Palestine to Jewish immigrants, and instead that territory became the Emirate of Transjordan. In the same year, when the Arabs attacked Jews in the Nebi Musa riots, the Zionist leader Vladimir Jabotinsky tried to get weapons to the defenseless Jews and to train them in self-defense. But it was Jabotinsky whom the British arrested and sentenced to 15 years in jail for trying to help his coreligionists fight off Arab attacks.

The British never fulfilled their duty, under Article 6 of the Mandate, to encourage Jewish immigration into Palestine. Instead, they continually tried to limit it, in order to curry

favor with the Arabs throughout the region. As previously noted, the 1939 White Paper limited Jewish immigration to 15,000 a year for five years, a direct violation of British responsibilities, according to the Mandate, to encourage Jewish immigration without limit. The British blocked ships loaded with desperate refugees fleeing Occupied Europe from landing in Palestine. Some historians suggest that as many as one million Jewish refugees might have made it to Palestine, had the British not prevented such immigration so effectively. And as word got out about the British blockade preventing Jews from entering Mandatory Palestine, that discouraged many Jewish refugees from even trying to do so; they simply gave up.

During the 1948-49 war, it bears repeating, the British supplied weapons to three Arab armies – those of Jordan, Egypt, and Iraq, but maintained an embargo on weapons to Israel. They not only supplied those weapons, but British officers trained and led the Arab Legion of Jordan, the only Arab unit that the Israelis did not defeat, and that seized and held the “West Bank” (the toponym which the Jordanians came up with in 1950, so as not to use the place names “Judea” and “Samaria”) which had been part of the territory assigned under the Mandate for Palestine to the future Jewish state, and that was recovered by the Jews only during the Six-Day War, in 1967...

It's not the Palestinian Arabs who have a case to bring against Great Britain. It is, rather, the Jews whom the British repeatedly betrayed, both in Mandatory Palestine and in Europe, from where so many might have escaped the Holocaust and made it to Palestine, had the British not directly violated Article 6 of the Mandate, according to which the Mandatory “shall facilitate Jewish immigration” to Palestine. Were the U.K. government to pay any attention to this ludicrous lawsuit in Nablus, it should use the occasion to tell the world all they ways His Majesty's Government betrayed

the Jews of Palestine. The opening is there – provided by those Palestinian lawyers themselves – for those home truths to be told. It's the perfect time to tell them.

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