

Renanah Goldhar-Gemeiner, a Canadian citizen,
residing and domiciled at 660 Briar Hill Ave., City of Toronto, Province of Ontario, M6B4B7,
Telephone: 416-785-0719, e-mail: rgoldhar2@sympatico.ca

Petitioner

and

Joe Gemeiner, a Canadian citizen, businessman,
residing and domiciled at 660 Briar Hill Ave., City of Toronto, Province of Ontario, M6B4B7,
Telephone: 416-785-0719, e-mail: rgoldhar2@sympatico.ca

Petitioner

**PETITION
TO THE HOUSE OF COMMONS OF CANADA
FOR THE REAFFIRMATION OF JEWISH LEGAL RIGHTS
TO THE LAND OF ISRAEL AND FORMER MANDATED PALESTINE
PREVIOUSLY ASSENTED TO BY CANADA IN 1922**

To the House of Commons in Parliament Assembled:

We the undersigned, citizens of Canada, submit the following Petition to the Honourable Members for their due deliberation and approval:

1. Whereas the Foreign Office of the Government of Great Britain headed by Prime Minister David Lloyd George issued a Cabinet-approved “declaration of sympathy” with Jewish Zionist aspirations, better known as the Balfour Declaration on November 2, 1917 in the form of a letter sent by Foreign Secretary Arthur James Balfour to Lord Lionel Walter Rothschild, the honorary president of the English Zionist Federation, which, in its affirmative part stated that “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”, accompanied by two reservations or provisos “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”;
2. Whereas just prior to the unanimous Cabinet decision approving the Balfour Declaration, British Prime Minister David Lloyd George and Foreign Secretary Arthur James Balfour defined the Jewish National Home mentioned in the Declaration as an eventual independent Jewish State, as appears from the minutes of the session of the Imperial War Cabinet of October 31, 1917 and as further appears from their own subsequent statements or pronouncements, a definition later corroborated by the French version of the minutes of the 1920 San Remo Peace Conference which officially created the mandated territory of Palestine as an intended Jewish State;
3. Whereas the Balfour Declaration, when it was originally issued, was not merely a statement of British policy but also had a definite legal character inherent in it, in that it constituted a British pledge given to World Jewry and, in particular, to the Zionist associations in return for their effective support of and important help to the Allied cause in World War I, notably in America, Russia and Central Europe, a declaration accepted not only by every political party in Britain in 1917, but also in every Allied and associated country, as confirmed by no less than former British Prime Minister, David Lloyd George, in a radio broadcast he made on May 23, 1939 in reaction to the release of the White Paper of May 17, 1939, which, in the words of Winston Churchill, was “a breach [of the pledge] and repudiation of the Balfour Declaration”;
4. Whereas at the Paris Peace Conference convened in January 1919, a treaty of peace known as the Treaty of Versailles was concluded on June 28, 1919 between the Principal Allied and Associated Powers consisting of the United States of America (the Associated Power), the British Empire, France, Italy and Japan (the four Principal Allied Powers) joined by other smaller Allied Powers – of the one part - and Germany – of the other part –and duly ratified about half a year later on January 10, 1920, thus bringing the treaty into legal force;
5. Whereas in consequence of the ratification of the Treaty of Versailles on January 10, 1920 by the High Contracting Parties, also referred to as the Signatory Powers, approval was thereby given not only to the Covenant of the League of Nations principally authored by U.S. President Woodrow Wilson constituting Articles 1 to 26 of this treaty, followed by an Annex, but also to the Mandates System established by Article 22 of the Covenant, as originally conceived by the South African statesman, Jan Christiaan Smuts;
6. Whereas the Treaty of Versailles confirmed the fact, as expressly stated in paragraphs 1 and 4 of the treaty, that Turkey had already lost its sovereignty over those territories that were henceforth to be governed by the aforesaid Article 22 of the League Covenant, comprising Palestine, Syria and Mesopotamia, and in light of this fact, the former Turkish sovereignty including the right of disposition or allocation in regard to such territories then passed to the Principal Allied Powers, the coalition of Allies that had defeated and brought to an end the 400-year old Ottoman Empire;
7. Whereas the Dominion of Canada, styled as such in the Treaty of Versailles, being then a constituent member of the multi-state British Empire, was represented at the Paris Peace Conference by its Plenipotentiaries, the Minister of Justice, the Hon. Charles Joseph Doherty, and the Minister of Customs, the Hon. Arthur Lewis Sifton, both of whom signed this treaty on behalf of the Government of Canada under the premiership of Sir Robert Laird Borden;
8. Whereas the Treaty of Versailles was subsequently ratified by the Parliament of Canada;
9. Whereas upon the ratification of the Treaty of Versailles by the requisite number of states and by Canada itself, Canada became an original member of the League of Nations, as stated in the Annex to the Covenant of the League of Nations, thereby approving automatically the newly-created Mandates System and all the various mandates to be issued thereunder, including the one for Palestine;
10. Whereas the establishment of the Mandates System under Article 22 of the League Covenant was for the benefit of various “peoples”, “certain communities”, or “territories” that required tutelage by “advanced nations” or administrative advice and assistance until such time as those “peoples”, “certain communities” and “territories” were able to stand alone as independent nations;
11. Whereas the Mandatories so chosen undertook the tutelage of the “peoples”, who were designated the national beneficiaries of the Mandates, on behalf of the League of Nations, which in turn supervised the observance of the Mandates committed to the charge of the Mandatories by means of the Permanent Mandates Commission and the Council of the League of Nations;
12. Whereas in the unique or *sui generis* case of Palestine, the “people” who was to be tutored to independence by an “advanced nation” was the Jewish People or World Jewry, represented by the Zionist Organization, rather than the local inhabitants of this territory, as confirmed

by the Smuts Resolution, the precursor of the aforesaid Article 22 of the League Covenant embodying the Mandates System, adopted on January 30, 1919 by the Council of Ten (the Supreme Council of the Principal Allied Powers), a resolution that specifically named "Palestine" and other territories for inclusion in the Mandates System, based on the general understanding that Palestine meant the Jewish National Home and Jewish People, as clearly evidenced by the Feisal-Weizmann Agreement of January 3, 1919 and moreover corroborated by U.S. President Wilson who had approved the Balfour Declaration at the time of its formulation and foresaw Palestine being transformed into a future independent Jewish state, and corroborated as well in the writings and testimony of Jan Christiaan Smuts, the author of the Smuts Resolution, who was a member of the British Imperial War Cabinet and one of the framers of the Balfour Declaration;

13. Whereas about three months after the joint birth of the League of Nations and the accompanying Mandates System, the Supreme Council of the aforementioned Principal Allied Powers convened the San Remo Peace Conference on April 18, 1920, attended by the British, the French and the Italian Prime Ministers and other high-ranking officials, as well as the Japanese Ambassador to Paris and an American observer, the American Ambassador to Rome, and at the session of April 25, 1920 adopted the San Remo Resolution;
14. Whereas as a result of the adoption of the San Remo Resolution, the territory of Palestine was allocated by the Supreme Council of the Principal Allied Powers to the Jewish People represented by the Zionist Organization, in borders yet to be determined, to be governed under the terms of the Balfour Declaration, which Great Britain as the Mandatory Power for Palestine was required to put into effect, in conjunction with Article 22 of the League Covenant, as indicated by the fact that both of these documents were specifically cited in the first two recitals of the Preamble of the Mandate for Palestine in juxtaposition, and as a further consequence of the adoption of the San Remo Resolution, *de jure* sovereignty over Palestine was devolved upon the Jewish People from that moment on, though the attributes of sovereignty were entrusted to the Mandatory Power for the entire period of the Mandate;
15. Whereas as another result of the adoption of the San Remo Resolution the Supreme Council of the Principal Allied Powers, in addition to entrusting the Mandate for Palestine to Great Britain, also bestowed on that country simultaneously a separate Mandate for Mesopotamia, later renamed Iraq, while France received the Mandate for Syria, which it then subdivided into two separate Mandates, one for Syria and one for Lebanon;
16. Whereas the San Remo Resolution was inserted, four months after its adoption, in Articles 94 to 97 inclusively as well as Article 132 of the Treaty of Sèvres, a treaty of peace concluded between the Principal and other, smaller, Allied Powers – of the one part – and Turkey – of the other part – that was signed and sealed on August 10, 1920, the intended result of which was to confirm the dismemberment of the Ottoman Turkish Empire, already decided upon the year before by the Allied Powers at the 1919 Paris Peace Conference and reaffirmed in the 1920 San Remo Resolution when the Mandates System was established for the former Ottoman provinces of Palestine, Syria and Mesopotamia;
17. Whereas though the Treaty of Sèvres was duly signed by three representatives of the Imperial Ottoman Government but never ratified because of the overthrow of the Sultan's Government by the National Revolutionary Government of Mustafa Kemal Ataturk, nevertheless it still remained a valid inter-Allied agreement revealing the true intentions of the various Allied Powers regarding the disposition of Palestine and the establishment of the Jewish National Home;
18. Whereas despite the non-ratification of the Treaty of Sèvres, its provisions relating to Palestine as previously enunciated in the San Remo Resolution were subsequently incorporated into the Preamble of the Mandate for Palestine, the latter document then being approved by 52 member states of the League of Nations in 1922, including Canada, and separately by the United States of America, thus validating the aforesaid provisions of the Treaty of Sèvres in regard to Palestine;
19. Whereas a new treaty of peace to replace the aforesaid but now defunct Treaty of Sèvres was concluded at Lausanne on July 24, 1923 between the British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State – of the one part – and Turkey – of the other part, the latter now under the sole rule of Ataturk's National Government, formally styled the Government of the Grand National Assembly of Turkey, a treaty duly ratified on August 6, 1924;
20. Whereas the 1923 Treaty of Lausanne, unlike the 1920 Treaty of Sèvres, did not deal at all with the disposition or the legal status of the former Turkish territories in Asia that had ceased to be under the sovereignty of Turkey, comprising several new mandated states as well as the states in the Arabian Peninsula, because Ataturk's new revolutionary Turkish Government did not contest their permanent detachment from Turkey, and in the particular case of Palestine, Turkey had implicitly consented to the new arrangements that had been made for that country – which was already being governed under the terms of the San Remo Resolution, incorporating as aforesaid the Balfour Declaration and Article 22 of the League Covenant, as well as under the confirmed Mandate for Palestine, as had also been provided for in the defunct Treaty of Sèvres, until Jewish independence had been achieved, the whole in accordance with Article 16 of the Treaty of Lausanne in which Palestine was implicitly one of the "territories" referred to in that article that read as follows: "Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers [of Turkey] laid down in the present Treaty and the islands... the future of these territories and islands being settled or to be settled by the parties concerned";
21. Whereas the British and French Governments concluded a Boundary Convention at Paris on December 23, 1920, known as the Franco-British [Boundary] Convention of that date or alternatively as the Paris Convention, signed by French Premier Georges Leygues and British Ambassador to France Sir Charles Hardinge, to delineate or fix the boundaries separating their respective mandated territories, viz. Syria and Lebanon from Palestine and Mesopotamia, the mandates for which, as noted above, had been conferred or attributed to France and Great Britain by the Supreme Council of the Principal Allied Powers at San Remo on April 25, 1920, a convention or treaty that placed Judea, Samaria and Gaza squarely within the boundaries of Palestine and the Jewish National Home;
22. Whereas under the 1920 Boundary Convention all of the land west of the Jordan River, in particular the lands historically known as Judea, Samaria and Gaza, as well as a yet-to-be-determined area of land east of the Jordan River extending to the Syrian Desert, was included within the region of the Jewish National Home;
23. Whereas the northern and north-eastern boundaries of Palestine delineated in the 1920 Boundary Convention were modified by a Demarcation Agreement concluded by France and Great Britain on February 3, 1922 that took effect on March 10, 1923, after the confirmation of the Mandate but prior to its purported entry into legal force, an Agreement which did not alter the fact that Judea, Samaria and Gaza remained within the boundaries of the Jewish National Home, as originally provided for in the aforementioned Boundary Convention;

24. Whereas despite the expectation that the Mandate for Palestine, already implemented as of July 1, 1920, would enter into retroactive legal force upon its confirmation by the League Council on July 24, 1922, this did not take place because at France's request the Governments of Great Britain and France had reached a prior understanding that both of their respective mandates for Palestine and for Syria would enter into legal force simultaneously, and because the confirmation of the French Mandate for Syria was delayed by the refusal of Italy – whose approval was legally required under the San Remo Resolution – a delay which was to last until such time as it received satisfactory assurances from France concerning the protection of Italian interests and rights in South-West Anatolia in the Turkish province of Antalya, assurances it received only on September 29, 1923, it was decided, with the bizarre approval of the League Council, that only on the latter date would the Mandate for Palestine enter into legal force;
25. Whereas the said date of entry into legal force of the Mandate for Palestine – as distinct from that of the Mandate for Syria to which this date truly applied – was completely inconsequential and actually no more than a legal fiction, since for all official and practical purposes the Mandate for Palestine had already been fully operational in Palestine from July 1, 1920 when the previous British military administration of Palestine was replaced by a civilian administration, as evidenced by the fact that Great Britain had already begun to submit its first annual reports to the League of Nations as required by Article 22 of the League Covenant covering the period from July 1, 1920 onwards, an obligation that Great Britain would not have had to fulfill if the Mandate had not yet entered into full legal force, thus indicating that the Mandate was indeed in legal force from that date, rather than from September 29, 1923 – for otherwise, all acts, orders, regulations and laws, such as the basic Palestine-Order-in-Council that itself came into legal force on September 1, 1922, as well as all judgments rendered by the courts of Palestine, etc., would have been bereft of any legal force during this interim period of three years – and as further evidenced by the fact that the Franco-British Boundary Convention of December 23, 1920, that had gone into legal force on the date of its signing, referred expressly in both its title and text to the then-Draft Mandate already submitted by Great Britain on December 6, 1920 to the Council of the League of Nations for confirmation – all of which imparted legal force to the Draft Mandate for Palestine at least for Great Britain, except for the Transjordanian clause that came into legal force only on September 16, 1922 when it was approved by the League Council;
26. Whereas under the confirmed Mandate for Palestine, Great Britain assumed the legal obligation or responsibility to reconstitute and secure the establishment of the Jewish National Home, as explicitly stated in Article 2 thereof, read in conjunction with the third Recital of the Preamble of the Mandate for Palestine;
27. Whereas the specific means for creating the Jewish National Home and eventual independent Jewish State were laid down in three highly significant Articles of the Mandate for Palestine, namely in Articles 2, 6 and 11 thereof;
28. Whereas Article 2 of the Mandate for Palestine imposed on Great Britain the obligation to create the necessary political, administrative and economic conditions in the country to ensure the achievement of the desired objective of eventual Jewish independence and self-rule by developing “self-governing institutions” specifically for that purpose, contrary to the false claim made in the 1939 White Paper that the development of these institutions was meant for the inchoate “People of Palestine”, a British euphemism for the Arab population, rather than for the Jewish People;
29. Whereas Article 6 required Great Britain to facilitate Jewish immigration under suitable conditions and to encourage close settlement by Jews on the land of Palestine and at the same time never envisaged the huge illegal influx of Arabs from neighbouring countries which the British passively countenanced while at the same time enforcing the strictest of immigration quotas for Jews, contrary to what the Mandate prescribed;
30. Whereas Article 11 obliged Great Britain to introduce a land system in Palestine to promote the close settlement and intensive cultivation of the land and certainly never permitted the imposition of illegal restrictions on Jewish land-ownership or the prohibition of the transfer of land from Arabs to Jews, as instituted by the 1939 White Paper;
31. Whereas, in addition to the foregoing articles of the Mandate, Article 5 prohibited the partition of Palestine which the British Government illegally effectuated, thus reducing the area of the Jewish National Home to a mere fraction of what it had been envisaged under the Balfour Declaration, the San Remo Resolution and the Mandate for Palestine;
32. Whereas the Mandate for Palestine, being a blueprint for eventual Jewish independence, excluded by its very nature any recognition of Arab national or political rights to any part of Palestine inasmuch as their aspirations for statehood were to be fully realized elsewhere, in Syria, Iraq and Arabia, but did accord official recognition of only the civil and religious rights of individual non-Jews and existing non-Jewish religious communities;
33. Whereas Canada and all other members of the League became bound by the League Council's decision to confirm the Mandate for Palestine on July 24, 1922 and to honour the exclusive national legal rights granted to the Jewish People in regard to that country, which were over and above and clearly distinguished from the guaranteed civil and religious rights of the non-Jewish population;
34. Whereas as a result of the League Council's confirmation of the Mandate for Palestine that implemented the terms of the San Remo Resolution and thus constituted obligatory international law, the Jewish People or World Jewry were given the exclusive national right to settle without exception in every part of the country west of the Jordan River known as Western Palestine or Cis-Jordan, especially the Jewish ancestral regions of Judea, Samaria and Gaza, while the right of the Jewish People to settle east of the Jordan River in what was deemed by the British Mandatory Power to be Eastern Palestine or Trans-Jordan was initially acknowledged but was on September 16, 1922 provisionally postponed or suspended until the “existing local conditions” had been ameliorated, the whole in accordance with Article 25 of the Mandate for Palestine;
35. Whereas the 67th Congress of the United States of America unanimously passed a Joint Resolution in both Houses subsequently approved and signed into law by President Warren G. Harding on September 21, 1922, “favouring the establishment in Palestine of a national home for the Jewish People”, thus endorsing the Balfour Declaration previously issued by Great Britain in slightly modified form;
36. Whereas in reinforcement of the Mandate for Palestine as binding international law, the United States of America and the United Kingdom concluded an international convention or treaty signed and sealed in London on December 3, 1924 respecting the Mandate, which was proclaimed by President Calvin Coolidge on December 5, 1925, that reproduced verbatim the complete text of the Mandate in the lengthy preamble of this convention or treaty, thus making the United States in effect a contracting party to the terms of the Mandate and a guarantor of all national and political rights accorded to the Jewish People to Palestine under that instrument, including the right of Jews to settle anywhere in the country;
37. Whereas under Article VI, Paragraph 2 of the Constitution of the United States of America, all treaties made under the authority of the United States shall be the supreme law of the United States, anything in the Constitution or laws of any state to the contrary notwithstanding;
38. Whereas, as a direct result of Article VI(2) of the U.S. Constitution, the aforesaid 1924 U.S.-U.K. Convention Respecting the Mandate for Palestine became the supreme Law of the United States, including all the national and political rights accorded to or vested in the Jewish People or World Jewry laid down in the Mandate, in particular the right of close settlement by Jews on the land of Palestine, as enshrined in Articles 6 and 11 of the Mandate for Palestine which the United States was deemed by the Convention to have accepted by the very incorporation of the Mandate into the aforesaid Convention and by its consent expressed in Article 1 of the Convention: “to the administration of Palestine by His Britannic Majesty, pursuant to the mandate recited above”, as stated in the Preamble;

