

INTRODUCTION to “The Jewish People’s Rights to the Land of Israel”

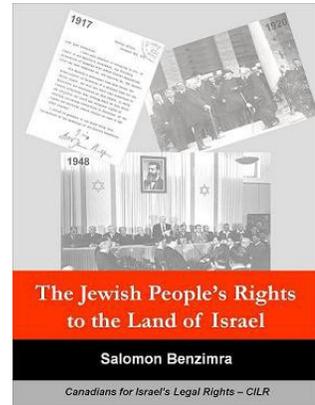
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Presenter, Israel Truth Week Conference, Hamilton, ON, Canada, March 5-6, 2013

There is no political issue in recent history where the facts have been as misrepresented as in the Arab-Israeli conflict. Opinion, myth and propaganda have sadly obfuscated the facts of what is now being called the “Israeli-Palestinian” conflict.

The book issued by *Canadians for Israel’s legal Rights – CILR* – is focused on:

- the historical origins of the Jewish people’s rights to the Land of Israel;
- the recognition of these rights in key documents of modern international law;
- the scope and range of their provisions;
- the violations of Jewish rights in Palestine during the Mandate period;
- the disputation and denigration of Israel’s rights in recent times, and
- the impact these rights should have on negotiating a just and lasting peace in the region.



The Legal Rights of Israel have remained largely untold, if not squarely ignored, for the past several decades. Since 1967, the successive governments of Israel have not shown any particular interest in bringing those rights upfront, largely because of a lack of understanding or plain ignorance of those rights. When the Oslo Peace Process was launched in 1993 – the success of which Israel sincerely hoped for – the issue of the legal rights fell further into oblivion.

To the many concessions made by Israel in its search for peace, the Palestinian Arabs repeatedly responded with growing demands. They also fabricated an elaborate web of **MYTHS** which, amazingly, are now embraced by large sectors of the media, academia, NGOs and Western chancelleries. While every culture has its founding myths and symbols, the myths created by the Palestinian Arabs were solely intended to delegitimize the Jewish presence in the Land of Israel and to demonize the nation-state of the Jewish people.

After over forty years of Palestinian Arab propaganda, the image of Israel in the world scene has been damaged. The power of myths cannot be ignored. However, we believe that myths which so brazenly defy incontrovertible **FACTS** cannot survive the test of time.

In 1925, the High Commissioner for Palestine summarized in one paragraph the strength of the Legal Rights of the Jewish people to the Land of Israel. He declared:

*“The **Balfour Declaration** was endorsed at the time by several of the Allied Governments. It was reaffirmed by the conference of the Principal Allied Powers at **San Remo in 1920**. It was subsequently endorsed by unanimous resolutions by both houses of the **Congress of the United States**; it was embodied in the **Mandate for Palestine** approved by the League of Nations in 1922; it was declared in a formal statement of policy issued by the **Colonial Secretary** in the same year, ‘not to be susceptible of change’... The policy was fixed and internationally guaranteed.” (emphasis added)*

SUMMARY



The Legal Rights of Israel are the strongest factual evidence available to debunk the myths intended to delegitimize the Jewish State.

The most fundamental right of Israel rests upon its long **ancient history** – from the time of the first settling of the land by the Twelve Tribes, around 1200 BCE, to the destruction of the Second Temple of Jerusalem in 70 CE. This quasi-uninterrupted period of national Jewish presence in the Land of Israel – including long periods of sovereignty – was followed by over eighteen centuries of dispersion until the emergence of the political movement of modern Jewish nationalism, known as Zionism.

Zionism was effectively born when **Theodor Herzl** published *Der Judenstaat*, following his witnessing of the show-trial of Captain Alfred Dreyfus in Paris. Herzl realized that the “emancipation” of Jews in Europe, promised by the liberal ideas of the French Revolution, did not erase the deeply rooted anti-Semitism in European society.

At the **First Zionist Congress** – held in Basel, Switzerland, on August 28, 1897 – Herzl, acting as president, and his associates formulated the program leading to the rebirth of a Jewish state in Palestine. The region known as Palestine was then part of the **Ottoman Empire**, which explains why Herzl refrained from referring openly to a “Jewish state.” At the beginning of World War One in 1914, the Ottoman Empire – which allied itself with Germany – was reduced to its Middle East possessions, including Palestine.

During World War One, intense diplomatic activity was deployed between the British, the French, the Russians, the Arabs of the Hedjaz and the Jewish Zionists. Many agreements – secret and not so secret – were signed. The **Balfour Declaration** openly expressed the intent of Britain to establish a “*national home for the Jewish people in Palestine.*” This declaration was addressed to the Zionist Federation through Lord Lionel Rothschild.

Ten months before the end of World War One, U.S. President Woodrow Wilson made a landmark speech in Congress, known as the **Fourteen Points**, in which he advocated the creation of a “*general association of nations*”; he opposed secret treaties and he stressed the importance of the self-determination of peoples. Although many of President Wilson’s ideas were not included in the Treaty of Versailles – which the U.S. President did not ratify – Wilson certainly succeeded in the creation of the League of Nations, the adoption of its **Covenant**, and the outlawing of secret treaties.

At the **Paris Peace Conference** in 1919, the first item on the agenda was the creation of the League of Nations. The Covenant governing this new international institution contained, in particular, **Article 22** which established the novel concept of Mandates: Nations liberated in the recent conflict should not be colonized by the Great Powers, but should instead be assisted in their pursuit of sovereignty through a limited period trusteeship awarded to an economically advanced Mandatory power. While treaties governing the future status of European countries were signed in the vicinity of Paris, the disposition of the territories formerly held by the Ottoman Empire in the Middle East was determined at the **San Remo Peace Conference**.

On April 25, 1920, the **San Remo Resolution** awarded Britain the two Mandates for Palestine and Mesopotamia (present-day Iraq) and France the Mandate for Syria/Lebanon. This Resolution incorporated the wording of the Balfour Declaration, and made Britain legally responsible for putting it into effect. The Resolution was adopted by the Supreme Council of the Principal Allied Powers – Britain, France, Japan and Italy – which had legal power and, for the first time in history, Palestine became a legal entity under international law, destined to become exclusively the “*national home of the Jewish people.*” Even though the borders of Jewish Palestine were not clearly defined in San Remo, it was understood that the area would encompass both banks of the Jordan River and extend north-south “*from Dan to Beersheba*”, as in Biblical Israel.

The borders of Palestine were settled by the **Franco-British Boundary Convention** in late 1920. The San Remo provisions for Palestine were included in the **Treaty of Sèvres** in August, 1920. This Treaty, signed by representatives of the Turkish Sultan, was not ratified by the later Turkish government of Kemal Ataturk who signed the Treaty of Lausanne in 1923, in which the

provisions for Palestine were not included since they were irrelevant to the final status of Turkey, and the Mandate for Palestine had already been officially approved.

During the two years that separated the San Remo Conference from the final approval of the **Mandate for Palestine** in July, 1922, a number of draft Mandates were exchanged between the Zionist Organization and the British Government. But at the time the Mandate was submitted to the Council of the League for confirmation, Jewish Palestine was reduced to the western part of the Jordan River. The Mandate for Palestine was eventually approved by the 52 members of the League of Nations.

Starting in 1922, several events contributed to blur or dilute the territorial rights of the Jewish people in Palestine: The British transferred the Golan Heights to French Mandated Syria. A Boundary Demarcation Commission was assigned to mark the definite borders of Palestine but its final borders deviated from the decisions contained in the Franco-British Boundary Convention, to the detriment of Jewish Palestine. And finally, the British separated the part of Palestine east of the Jordan River and withheld any rights of organized Jewish settlement there, as provided for in Article 6 of the Mandate for Palestine. Britain delegated the administration of the eastern territory to Emir Abdullah of the Hedjaz, thus initiating the transformation of Eastern Palestine under the Mandate into a separate entity called **Transjordan** which became independent in 1946 and was later renamed the “Hashemite Kingdom of Jordan.”

The British move to carve **Transjordan out of Palestine** was in part due to their desire to appease the Arab leaders. After the French ousted King Faisal from Damascus in 1920, his brother Abdullah mobilized a small army in the Hedjaz, intent to fight the French in Syria. The British then stopped Abdullah mid-way, allowed him to remain in Amman, and moved Faisal to Baghdad where he became king of Iraq. In September, 1922, Transjordan and the rest of Palestine began to be administered separately.

The United States was not a member of the League of Nations but the U.S. government wanted to safeguard the rights of the American citizens and their commercial interests in the region. To that effect, the United States and Britain entered into an agreement in 1924 – the **Anglo-American Convention** – which reiterated word by word the full text of the Mandate, thus making the U.S. bound by the provisions of the Mandate. This Convention is a treaty and should therefore be viewed as the “*supreme law of the land*” in the United States, as per Article 6 of the American Constitution.

The documents mentioned above – the San Remo Resolution, the Mandate for Palestine, the Franco-British Boundary Convention, and the Anglo-American Convention – are acts of **international law** and should be central to any discussion of the Arab-Israeli conflict. The provisions contained in these documents have **never been revoked**. The acquired rights of the Jewish people in the Land of Israel are valid to this day. Unfortunately, they are rarely, if ever, mentioned in the media and in academic circles. They should not be circumvented in the pursuit of the ongoing peace process.

ABOUT THE AUTHOR

Born in 1943 in the International Zone of Tangiers (now, Morocco), Salomon Benzimra studied in France where he graduated with honours as a Chemical Engineer from the *Ecole Nationale Supérieure de Chimie*, University of Bordeaux, in 1965.

He has been working in petrochemical projects in North America and overseas for over 30 years. Semi-retired since the early 2000's, he has focused on economic and financial analysis of industrial products, and he became interested in Middle East affairs.



In 2009, he co-founded *Canadians for Israel's Legal Rights* (www.CILR.org) with Goldi Steiner. He is the author of several papers posted online and of a concise educational book – *The Jewish People's Rights to the Land of Israel*, available in Amazon-Kindle edition (www.amazon.com/dp/B0065WZM14).