

PALESTINE

A STUDY OF JEWISH, ARAB, AND BRITISH POLICIES

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velopment in Iraq is closely linked with the economic development of Palestine as a commercial *entrepôt*, to which reference was made in the preceding chapter. The first of the developments linking the two countries together lay in the shift in trade routes from the long passage by sea through the Suez and around the Arabian Peninsula to the land route across the desert. This began to be accomplished in the years preceding the period under review by the commercial development of aviation between Palestine and Iraq and by the improvement of the roads from Haifa and Bagdad which made motor traffic and regular bus service possible. The opening up of the harbor of Haifa, October 31, 1933, connected the overland system of transportation from Iraq with the Mediterranean Sea to the West. The association of these developments with the exploitation of the oil resources in the Mesopotamian Valley is indicated in a number of ways. On October 18, 1933, a convention was signed at Jerusalem regulating the conveyance of oil through Palestine by the Anglo-Persian Oil Company. One of the main items in the Palestine Development Loan of 1934 was the construction of an oil berth at Haifa; at the same time, the Iraq Petroleum Company was engaged in building the pipe line from the Kirkurk oil fields, the Haifa branch of which was opened in January, 1935. The Iraqi Petroleum Company enjoys the following privileges in Palestine: freedom from all duties on transit of its petroleum and petroleum products; exemption from duties on all imports it requires; special railroad rates for its freight; complete exemption from "property tax, income tax, or any levy or fiscal charge of any sort." These close connections of Iraq with the Port of Haifa must be borne in mind when we come to consider the proposals made by the Iraq Government for a solution of the Palestine problem.

The admission of the Kingdom of Iraq to membership in the League of Nations on October 3, 1932, was an event of importance. On the surface it represented an apparent reversal of British imperial policy which had been at work for two centuries beginning with the establishment of the East India Company's control in Bengal in 1765. An extraordinary feature of this event was that the Mandatory Power and prevailing British public opinion were in agreement with Iraq in pressing for an early liquidation of the Mandate. This might appear

even more remarkable in the light of the fact that the Permanent Mandates Commission hesitated to agree to so early a declaration of independence for Iraq; in finally consenting, they made it clear that the moral responsibility for the liquidation of the Mandate rested with Great Britain and not with the League.

The paradox disappears, however, if we bear in mind that when the Mandate was terminated the Iraqis signed a treaty with Great Britain by which the latter maintained effective control over such interests in Iraq as she was concerned with. At the same time the liquidation of the Mandate relieved Great Britain of the responsibilities for administering the country with a view to its welfare and for safeguarding the rights of minorities. In effect, therefore, the change in British policy from that of old style imperialism was not without its benefits. The development of nationalism amongst the Arab peoples had made it more difficult for Great Britain to exercise control by means of the old suppressive methods. The upkeep of military forces was expensive and the nervous strain in attempting to harmonize imperialist ambitions with the Western slogans of self-determination became too heavy. It was found more convenient and respectable to maintain the same interests through collaboration with the native ruling classes who were ready—at least as a first step in obtaining full independence—to cooperate with the British and with the not less formidable Powers represented by the Iraq Petroleum Company.

The hesitation of the Permanent Mandates Commission was due to their doubt as to whether Iraq had advanced far enough for self-government. The major problem with which they were concerned was the question as to what would happen to the non-Arab minorities in a completely emancipated Iraq. The situation that confronted the League has been lucidly described as follows:²⁰

The defence of a minority's rights against an aggressive majority's Nationalism, and not the defence of a subject nationality against an aggressive foreign Imperialism, was thus the cause which the Mandates Commission found itself called upon to champion; and this was a sign of the times in an age when, throughout a Westernized

20. *Survey of International Affairs 1934*, p. 114.

world, the totalitarian national state was taking the place of the multi-national empire as the standard form of parochial political organization. The Assyrians in Iraq were the victims of the same turn of the political wheel as the Germans in Poland or the Jews in Germany; and from the humanitarian standpoint the change was not for the better; for the subject nationalities of the old regime had not been faced with that prospect of the total suppression of their national individuality which was the prospective doom, under the new regime, of the alien minorities. This particular change for the worse was world-wide; but it was aggravated, in non-Western countries like Iraq, by the fact that here Nationalism itself was not a native disease but an exotic infection whose ravages were the greater inasmuch as the patients had not been inoculated against the germ.

As a result of the pressure of the League of Nations, the Declaration made by the Kingdom of Iraq on the occasion of the termination of the Mandatory regime included articles designed to safeguard the equality of rights of all religious groups and of the minority nationalities.²¹ These articles provided among other things, that the electoral system would give equitable representation to minorities; that adequate facilities would be given to those whose mother tongue was not Arabic for the use of their language before the courts; that Iraqi nationals belonging to minorities would enjoy the same rights as other Iraqi nationals to establish control over religious, charitable and educational institutions; and that non-Moslem minorities would be permitted to settle questions of family law and personal status in accordance with the usages of the communities to which they belonged. Special provision was made for recognizing Kurdish and Turkish as official languages side by side with Arabic in certain districts where the Kurds or the Turks predominate.

Unfortunately, the record of Iraq in the treatment of minorities did not justify the expectations that might have been aroused by these generous provisions. Even before the admission of Iraq to the League, a case occurred which indicated the future trend. The Shiite community of Bagdad, by threatening

21. The Declaration followed the lines of a statement made by Albania when that country was admitted to the League, and the Albanian declaration was itself based on the Polish Minorities Treaty of 1919. (See *Palestine Partition Commission Report*, Cmd. 5854, 1938, pp. 152 ff.; pp. 298 ff.)

a disturbance of the public peace, prevailed upon King Faisal to issue an order evicting the Bahai Church from houses which they had occupied and used for religious purposes for a number of generations. After the case had passed from court to court and had come before the Court of Appeal at Bagdad, the four native members—against the opinion of the British presiding judge—decided in favor of the Shiite plaintiffs. In its comment on the petition submitted by the Bahai community to the Permanent Mandates Commission, the British Government characterized the judgment as unsustainable in law and as vitiated by the suspicion of having been influenced by political considerations. As a result of the intercession of the Permanent Mandates Commission, a compromise was reached about the time when Iraq was admitted to the League. This compromise was unfavorable to the Bahai interest, but as a weak and peace-loving community, they felt forced to accept it. Yet the compromise was, for one excuse or another, never carried out, and the property remained in the hands of the Shiite community.

The Survey of International Affairs makes the following comment:²²

This affair was particularly deplorable inasmuch as the Baha'is were a small and weak community which could not under any circumstances have menaced the security of the 'Iraqi state, even if its members had not been bound by their religious tenets to be good citizens. If the Baha'is were the victims of so flagrant an injustice before 'Iraq was emancipated from British mandatory control, it seemed unlikely that the Chaldaeans, Armenians, Jews, and other weak minorities could depend upon either the moral courage or even the good will of a completely sovereign and independent 'Iraqi Government in the event of their becoming targets for the animus of one or another of the dominant communities in the country. In the case of the Baha'is, the pressure of the Shi'i Arab community in 'Iraq had prevailed upon the highest executive and judicial authorities in the kingdom to fly in the face of the British Government and of the League of Nations in persisting in a course of action which they must have known to be morally indefensible from first to last.

The strong and turbulent Kurdish minority presented a more difficult problem to the Iraqi Government. The Kurds liv-

22. *Survey of International Affairs 1934*, p. 122.

ing in Iraq were part of a larger Kurdish population divided among Persia, Turkey, Syria and Iraq. The fraction of it living in Iraq had been brought in when the League of Nations, in the settlement of 1925, had decided in favor of the British and awarded Mosul to Iraq. One of the provisions of the settlement was that the British Mandatory would be continued for a period of twenty-five years and that the Kurds would be assured local autonomy. The Prime Minister of Iraq, speaking in the Chamber of Deputies at Bagdad in 1926, had declared that the officials in the Kurdish districts of Iraq should be Kurds and that the language of the local administration and of the schools should be Kurdish. However, the practical steps taken to implement these promises were not satisfactory. In 1929, when the British Government announced their decision to liquidate the Mandatory regime in Iraq by the year 1932, the Kurds grew restive. A number of petitions were addressed to the League of Nations by the Kurdish notables, demanding the formation of a Kurdish Government under the supervision of the League of Nations, in the event that the Mandatory regime in Iraq would be brought to an end. These petitions did not receive attention and in the meantime outbreaks occurred among the Kurds which led to an intervention by Iraq and a clash with the Iraqi police and army. In one of these encounters a serious reverse was sustained by the Iraqi Army, and one column was saved from annihilation only by the intervention of the British Air Force which bombed the encampments and villages of the recalcitrant Kurdish tribesmen. After this revolt, a more conciliatory attitude was taken by the Iraqi Government and measures were introduced to meet the demands for autonomy for local administration and for the development of the Kurdish language in the schools.

The degree to which the Iraq Government was willing to honor its promises to respect the rights of minorities was evidently related to the degree of physical resistance that the minority could offer. A tragic solution to the minority problem occurred in the case of the *Hakiyari* Assyrians who were Nestorian Christians, descendants of a once powerful community. These Assyrians were refugees who had been driven from their homes by the Turks in 1924 and given shelter in Iraq by the British authorities. Their main source of livelihood was pay drawn by those who had enlisted in a separate levy under