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“Rectifying a Historical Injustice: Justice for Jews from Arab Countries”

by Prof. Irwin Cotler MP

I recently addressed the annual meeting of Quebec lawyers on the topic “The Genocide Convention and Universal Declaration of Human Rights Sixty Years Later: What have we learned? What must we do?”

In the speech, I discussed four enduring lessons stemming from the Holocaust to the genocides in the Balkans to Rwanda and Darfur, including: first, the dangers of state-sanctioned incitement to genocide and the responsibility to prevent; second, the dangers of indifference and inaction in the face of international criminality, and the responsibility to act; third, the danger of the culture of impunity and the responsibility to prosecute; and fourth the assault on the vulnerable and the responsibility to protect.

Following the speech, a lawyer asked why I did not refer to “Palestinian suffering” and the lesson of the *Nakba* of sixty years ago. I told her, “You’re right, the Palestinian people – have – and are – suffering; and, you are correct, they did endure a *Nakba* sixty years ago, and there is an important lesson there. But the lesson to be learned is not that the *Nakba* was the result of the creation of the State of Israel. Rather, it was the result of the Palestinian and Arab leadership rejecting the UN resolution calling for the establishment of both a Jewish State and a Palestinian-Arab state”.

I continued: “The Jewish leadership accepted the resolution, but the Palestinian and Arab leadership did not, which they had a right to do. What they did not have a right to do was attack the nascent Jewish state with the objective – as they acknowledge at the time – of initiating a ‘war of extermination.’ The result was, therefore, a *double Nakba* – not only of Palestinian-Arab suffering and the creation of a Palestinian refugee problem, but also with the assault on Israel and on Jews in Arab countries, the creation thereby of a second - almost unknown - group of refugees, namely, Jewish refugees from Arab countries”.

In a word, it is tragic to appreciate that had the Partition Resolution been accepted sixty years ago, there would have been no Arab-Israeli war - no refugees, Jewish or Arab – and none of the pain and suffering of these last sixty years. Indeed, we would have

been celebrating the sixtieth anniversary of both the State of Israel and the State of Palestine.

Moreover, this “double rejectionism,” where Arab leadership was prepared to forego the establishment of a Palestinian state if it meant countenancing a Jewish state in any borders, not only found expression 60 years ago, but has underpinned the Arab-Israeli-Palestinian conflict ever since.

Yet the revisionist Mid-East narrative – and one prejudicial to authentic reconciliation and peace between peoples as well as between States – continues to hold that there was only one victim population, Palestinian refugees, and that Israel was responsible for the Palestinian Nakba of 1948.

The result is that the pain and plight of 850,000 Jews uprooted and displaced from Arab countries – *the forgotten exodus* – has been both expunged and eclipsed from both the Middle East peace and justice narratives these past sixty years.

Yet, the United Nations once again commemorated the International Day of Solidarity with the Palestinian People on the 60th anniversary of the United Nations Partition Resolution of November 29, 1947, but continued to ignore the plight of Jewish refugees on this commemorative occasion, thereby indulging and encouraging this mid-East revisionism.

Moreover, this revisionist narrative has not only eclipsed – and erased – the forgotten exodus from memory and remembrance, but it denies also that it was a forced exodus, and one that resulted from both the double rejectionism and double aggression. This is the real Nakba – the real double catastrophes. Simply put, the Arab countries not only rejected a Palestinian State and went to war to extinguish the nascent Jewish state, but also targeted the Jewish nationals living in their respective countries, thereby creating two refugee populations – the Palestinian refugee population resulting from the Arab war against Israel; and the Jewish refugees resulting from the Arab war against its own Jewish nationals.

Indeed, evidence contained in a recent report entitled “*Jewish Refugees from Arab Countries: The Case for Rights And Redress*” documents for the first time a pattern of state-sanctioned repression and persecution in Arab countries - including Nuremberg-like laws - that targeted its Jewish populations, resulting in denationalization, forced expulsions, illegal sequestration of property, arbitrary arrest and detention, torture and murder – namely, anti-Jewish pogroms. And while the internal Jewish narrative has often referred to pogroms as European attacks on their Jewish nationals, it has often ignored Arab-Muslim attacks on their Jewish nationals.

Moreover, as the report also documents, these massive human rights violations were not only the result of state-sanctioned patterns of oppression in each of the Arab countries, but they were reflective of a collusive blueprint, as embodied in the Draft Law of the Political Committee of the League of Arab States.

This is a story that has not been heard. It is a story that has not yet even been told. It is a truth that must now be acknowledged.

Regrettably, the United Nations also bears express and continuing responsibility for this distorted Middle East and peace narrative. Since 1948, there have been more than 130 UN resolutions that have specifically dealt with the Palestinian refugee plight. Yet, not one of these U.N. Resolutions makes any reference to, nor is there any expression of concern for, the plight of the 850,000 Jews displaced from Arab countries. Nor have any of the Arab countries involved – or the Palestinian leadership involved - expressed any acknowledgement, let alone regret, for this pain and suffering, or for their respective responsibility for the pain and suffering.

What, then, is to be done? How do we rectify this historical – and sustaining – injustice? What are the rights and remedies available under international human rights and humanitarian law? And what are the corresponding duties and obligations incumbent upon the United Nations, Arab countries, and members of the international community.

What follows is a nine-point international human rights action agenda.

First, it must be appreciated that while justice has long been delayed, it must no longer be denied. The time has come to rectify this historical injustice, and to restore the plight and truth of the ‘forgotten exodus’ of Jews from Arab countries to the Middle East narrative from which they have been expunged and eclipsed these 60 years.

Second, remedies for victim refugee groups – including rights of remembrance, truth, justice and redress - as mandated under human rights and humanitarian law - must now be invoked for Jews displaced from Arab countries.

Third, in the manner of duties and responsibilities, each of the Arab countries - and the League of Arab States - must acknowledge their role and responsibility in their double aggression of launching an aggressive war against Israel and the perpetration of human rights violations against their respective Jewish nationals. The culture of impunity must end.

Fourth, the Arab League Peace Plan of 2002 should incorporate the question of Jewish refugees from Arab countries as part of its narrative for an Israeli-Arab peace, just as the Israeli narrative now incorporates the issue of Palestinian refugees in its vision of an Israeli-Arab peace.

Fifth, on the international level, the U.N. General Assembly - in the interests of justice and equity - should include reference to Jewish refugees as well as Palestinian refugees in its annual resolutions; the U.N. Human Rights Council should address, as it has yet to do, the issue of Jewish as well as Palestinian refugees; U.N. agencies

dealing with compensatory efforts for Palestinian refugees should also address Jewish refugees from Arab countries.

Sixth, the annual Nov. 29th commemoration by the United Nations of the International Day of Solidarity with the Palestinian People should be transformed into an International Day of Solidarity for a Two-State Solution – as the initial 1947 Partition Resolution intended – including solidarity with all refugees created by the Israeli-Arab conflict.

Seventh, jurisdiction over Palestinian refugees should be transferred from UNWRA to the United Nations High Commissioner for Refugees. There was no justification then – and still less today – for the establishment of a separate body to deal only with Palestinian refugees, particularly when that body is itself compromised by its incitement to hatred and violence, as well as its revisionist teaching of the mid-East peace and justice narrative.

Eighth, any bilateral Israeli-Palestinian negotiations – which one hopes will presage a just and lasting peace – should include Jewish refugees as well as Palestinian refugees in an inclusive joinder of discussion.

Ninth, during any and all discussions on the Middle East by the Quartet and others, any explicit reference to Palestinian refugees should be paralleled by a reference to Jewish refugees from Arab countries.

Finally, the United Kingdom should use its voice, vote, and participation in matters relating to issues of mid-East refugees to ensure that any reference to Palestinian refugees will include a similarly explicit reference to Jewish refugees from Arab countries.

Simply put, the exclusion and denial of rights and redress to Jewish refugees from Arab and countries will prejudice authentic negotiations between the parties and undermine the justice and legitimacy of any agreement.

Let there be no mistake about it. Where there is no remembrance, there is no truth; where there is no truth, there will be no justice; where there is no justice, there will be no reconciliation; and where there is no reconciliation, there will be no peace –which we all seek.

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