

**Have you ever asked yourself why during the period between 1917 and 1947 hundreds of thousands of Jews throughout the world woke up one morning and decided to leave their homes and go to Palestine?**



# This Land Is My Land

**“MANDATE FOR PALESTINE” THE LEGAL ASPECTS OF JEWISH RIGHTS**    **ELI E. HERTZ**    © Myths and Facts

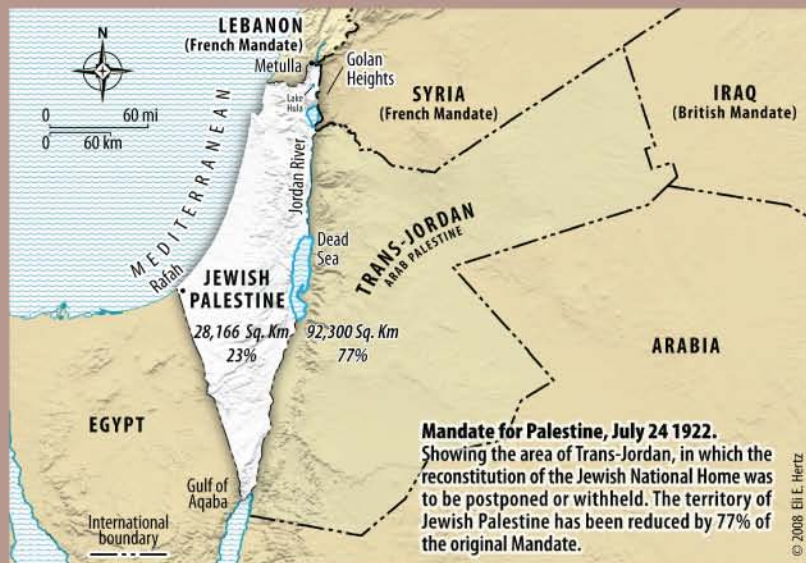


# This Land Is My Land

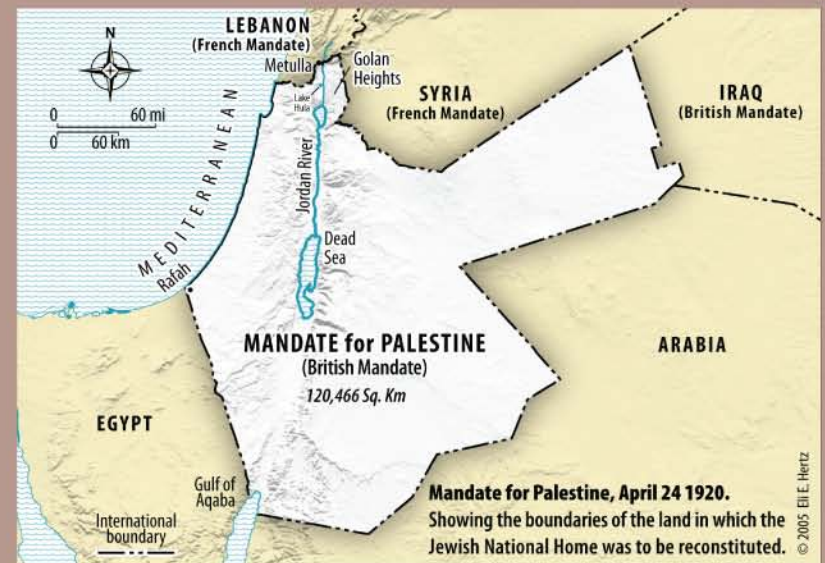
## “MANDATE FOR PALESTINE” THE LEGAL ASPECTS OF JEWISH RIGHTS

ELI E. HERTZ

1922 - FINAL TERRITORY ASSIGNED TO THE JEWISH NATIONAL HOME



1920 - ORIGINAL TERRITORY ASSIGNED TO THE JEWISH NATIONAL HOME



# The two most significant events leading to the creation of a Jewish National Home



## Founding of modern Zionism

Benjamin Ze'ev (Theodor) Herzl

May 2, 1860 – July, 3 1904



## The Balfour Declaration

The British Foreign Office,

November 2, 1917

# Benjamin Ze'ev Herzl | May 1860 – July 1904



Founder  
of modern  
Zionism

- “Oppression and persecution cannot exterminate us. No nation on earth has survived such struggles and sufferings as we have gone through.
- “**Palestine** is our ever-memorable historic home. The very name of **Palestine** would attract our people with a force of marvelous potency.
- “The idea which I have developed in this pamphlet is a very old one: it is the **restoration** of the Jewish State.”

First Zionist Congress in 1897



*The Jewish State, 1896*

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# The Balfour Declaration | November 2, 1917



**Dear Lord Rothschild,**

“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 ...”

*Arthur James Balfour*

The British Foreign Office,

November 2nd, 1917



# The Great Powers

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U.K.



U.S.



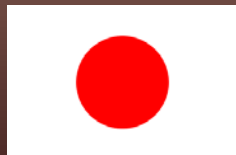
France



Italy



Japan



## Ottoman Empire 1516 - 1916



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# The League of Nations Birth

## Geneva - January 10, 1920

LEAGUE OF NATIONS



SOCIÉTÉ DES NATIONS



### Members pledged:

- Not to go to war.
- Submit disputes to arbitration by the World Court.

# “Mandate for Palestine” Document

**LEAGUE OF NATIONS**  
**MANDATE FOR PALESTINE,**

TOGETHER WITH A

**NOTE BY THE SECRETARY - GENERAL  
RELATING TO ITS APPLICATION**

**TO THE  
TERRITORY KNOWN AS TRANS-JORDAN,**

**under the provisions of Article 25.**

=====  
*Presented to Parliament by Command of His Majesty,  
December, 1922.*  
=====



LONDON:  
PUBLISHED BY HIS MAJESTY'S STATIONARY OFFICE.



**July 24, 1922**  
**“Mandate for Palestine”**

**51 member countries - The entire League of Nations - Unanimously declared:**

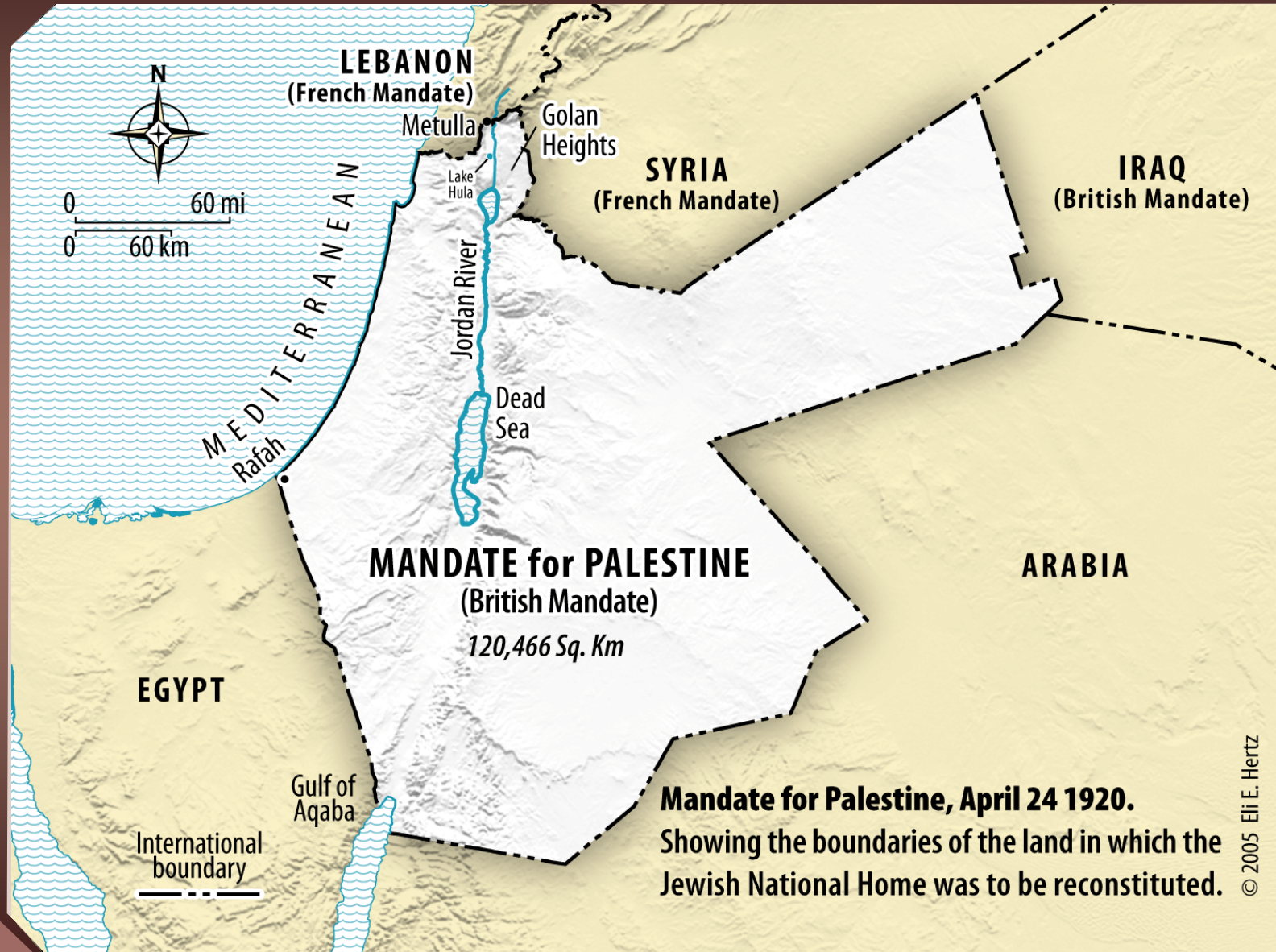
**“Recognition Has Been Given to the Historical Connection of the Jewish People with Palestine and to the Grounds for Reconstituting their National Home in that Country.”**



Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, British India, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, El Salvador, Estonia, Finland, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Kingdom of Serbs, Croats and Slovenes, Latvia, Liberia, Lithuania, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Republic of China, Romania, Siam, Spain, Sweden, Switzerland, Union of South Africa, United Kingdom, Uruguay, Venezuela.

# Original Mandate Territory Assigned to the Jewish National Home

April 24,  
1920



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# “Mandate for Palestine” Document

## Article 25

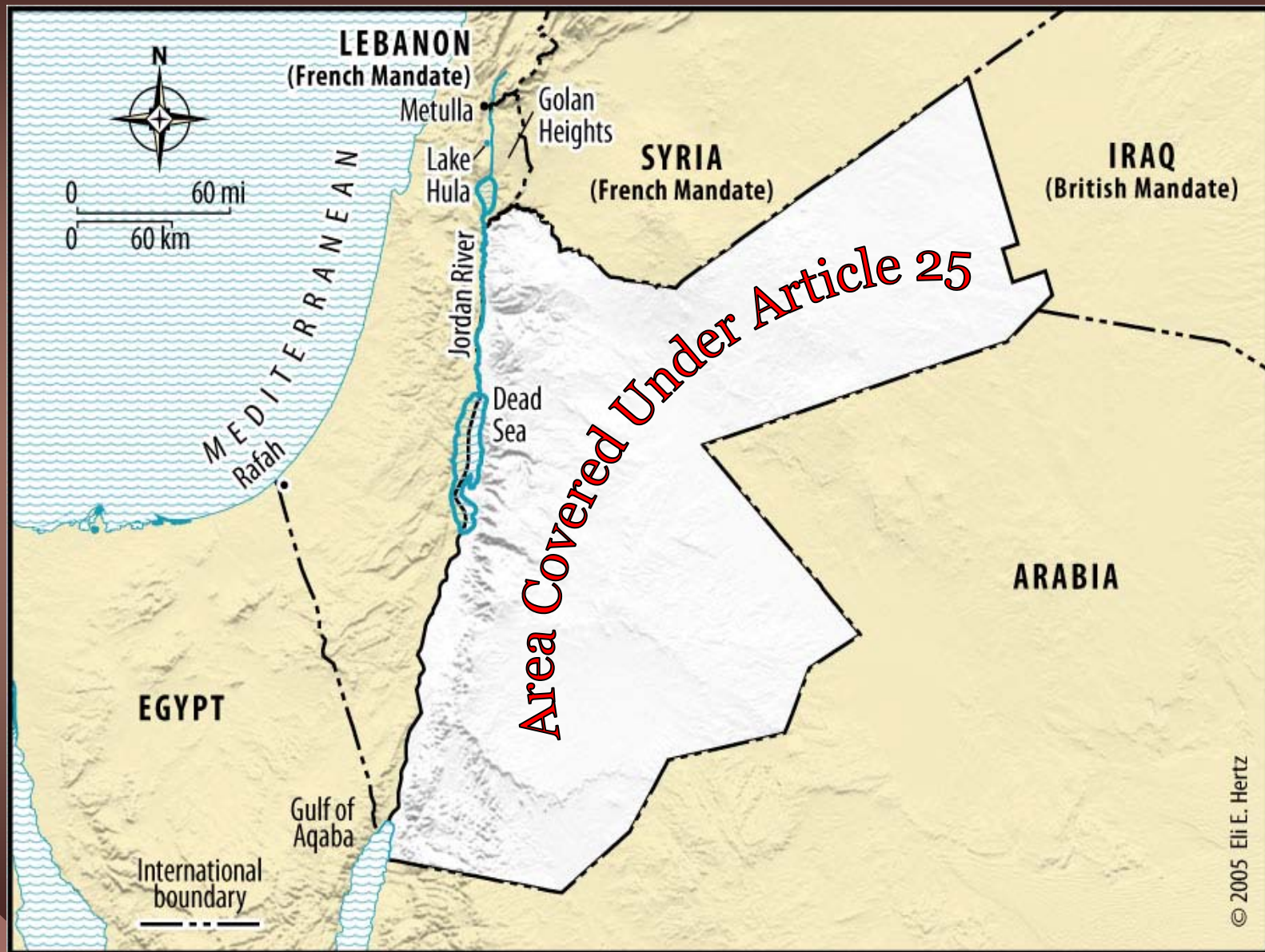
“In the territories lying between the **Jordan** and the **eastern boundary** of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to **postpone** or **withhold** application of such provision of this Mandate as he may consider inapplicable to the existing local conditions...”



# **“Mandate for Palestine”**

## **Where Jews are Not Permitted to Settle**

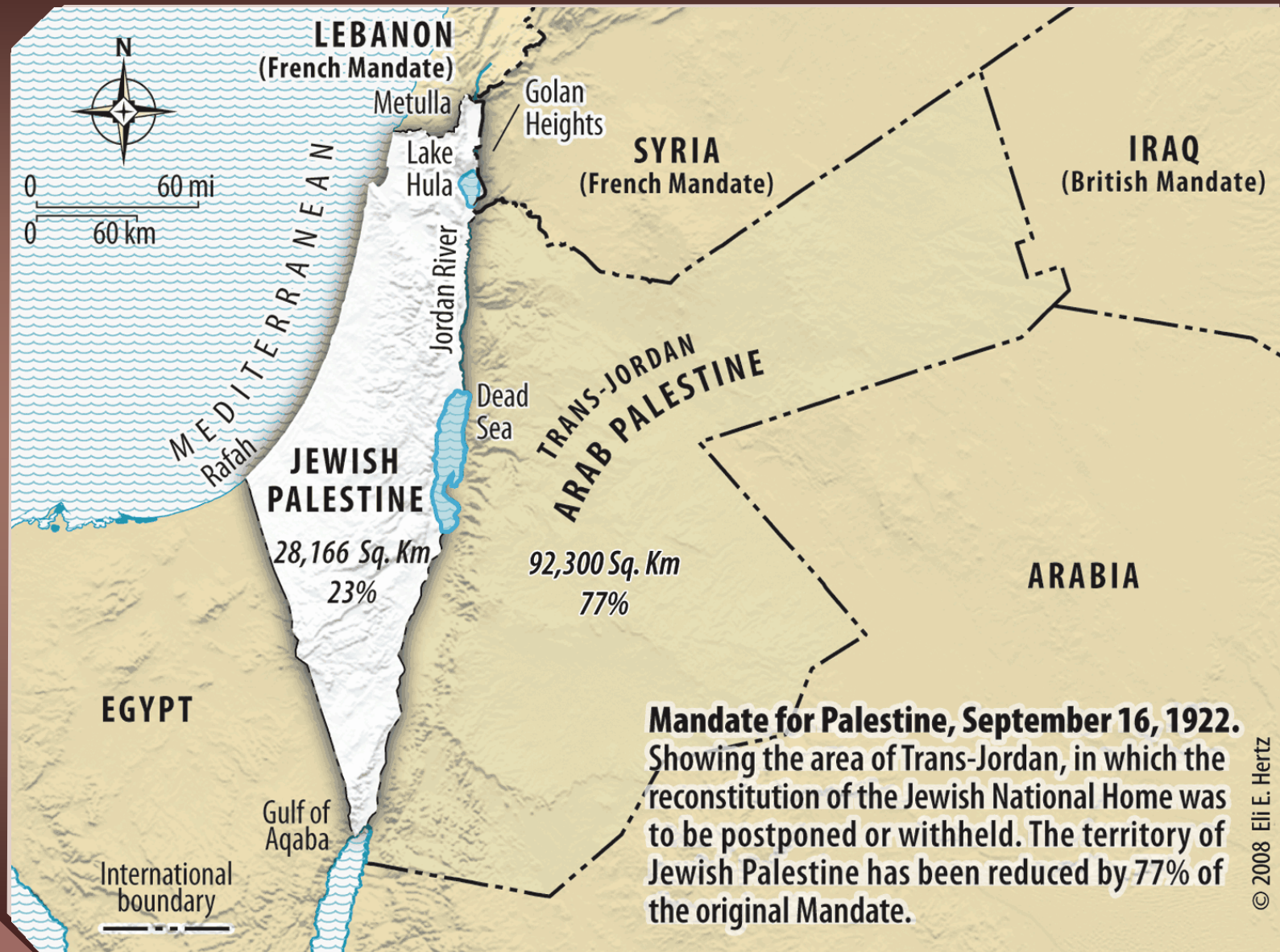
**Under  
Article 25**



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# Final Territory in Which the Jewish National Home Was to be Reconstituted

July 24,  
1922



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# Palestine is a Geographical Area Not a Nationality

Palestine lies on the western edge of the continent of Asia between Latitude 30° N. and 33° N., Longitude 34° 30' E. and 35° 30' E.

On the North it is bounded by the French Mandated Territories of Syria and Lebanon, on the East by Syria and Trans-Jordan, on the South-west by the Egyptian province of Sinai, on the South-east by the Gulf of Aqaba and on the West by the Mediterranean. The frontier with Syria was laid down by the Anglo-French Convention of the 23rd December, 1920, and its delimitation was ratified in 1923.

Briefly stated, the boundaries are as follows:

**North.** – From Ras en Naqura on the Mediterranean eastwards to a point west of Qadas, thence in a northerly direction to Metulla, thence east to a point west of Banias.

**East.** – From Banias in a southerly direction east of Lake Hula to Jisr Banat Ya'pub, thence along a line east of the Jordan and the Lake of Tiberias and on to El Hamme station on the Samakh-Deraa railway line, thence along the centre of the river Yarmuq to its confluence with the **Jordan**, thence along the centres of the **Jordan**, the Dead Sea and the Wadi Araba to a point on the Gulf of Aqaba two miles west of the town of Aqaba, thence along the shore of the Gulf of **Aqaba** to Ras Jaba.

**South.** – From Ras Jaba in a generally north-westerly direction to the junction of the Neki-Aqaba and **Gaza** Aqaba Roads, thence to a point west-north-west of Ain Maghara and thence to a point on the Mediterranean coast north-west of **Rafa**.

**West.** – The **Mediterranean Sea**.

Report: Palestine and Trans-Jordan for the year 1938



# Lebanon and Syria [The French Mandate] Iraq and later Trans-Jordan [The British Mandate]

Land in sq. km.

**Israel land**

**22,072**

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**Lebanon**

**10,400**

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**Syria**

**185,180**

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**Iraq**

**438,317**

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**Jordan**

**89,342**

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**Arab land**

**723,239**



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# The “Mandate for Palestine” & The British Mandate

Confused



## The Trust: “Mandate for Palestine”

“The Mandates of the League of Nations have a special status in international law. They are considered to be trusts, indeed ‘sacred trusts.’”

*Professor Eugene V. Rostow*

## The Trustee: Great Britain (Mandatory)

Great Britain was entrusted by the League of Nations with the responsibility to administer the area of **Palestine** in accordance with the provisions of the articles of the “Mandate for Palestine.”

# **Jews are in Palestine**

## **“as of right and not on sufferance...”**



“When it is asked what is meant by the development of the **Jewish National Home in Palestine**, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the **assistance of Jews in other parts of the world**, in order that it may become a centre in which the Jewish people as a whole may take on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the **Jewish people** to display its capacities, it is essential that it should know that **it is in Palestine as of right and not on sufferance.**”

Winston Churchill  
British Secretary of State for the Colonies  
June, 1922



# “Mandate for Palestine”

## Political Rights

### Article 2

“The Mandatory **shall be** responsible for placing the **country** under such **political**, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the **civil** and **religious** rights of all the inhabitants of Palestine, irrespective of race and religion.”

# Political Rights in Palestine were Granted to Jews Only

## Jews

Religious Rights

Civil Rights

**Political Rights**

## Other Inhabitant

Religious Rights

Civil Rights

At no point in the entire document is there any granting of political rights to non-Jewish entities (i.e., Arabs) because political rights to self-determination as a polity for Arabs were guaranteed in other mandates for:

**Lebanon, Syria, Iraq, and later Trans-Jordan.**

# “Mandate for Palestine”

## The Jewish Agency

### Article

# 4



An appropriate **Jewish agency** shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the **Jewish national home** and the interests of the **Jewish population in Palestine**, and, subject always to the control of the Administration to assist and take part in the development of the country.



# **“Mandate for Palestine”**

## **No Foreign Power in Palestine**

### **Article 5**

**The  
territory  
of  
Palestine  
assigned  
exclusively  
for the  
Jewish  
National  
Home**

“The Mandatory shall be responsible for seeing that no **Palestine** territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign power.”



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# “Mandate for Palestine”

Where Jews are Permitted and Encouraged to Settle

## Article 6

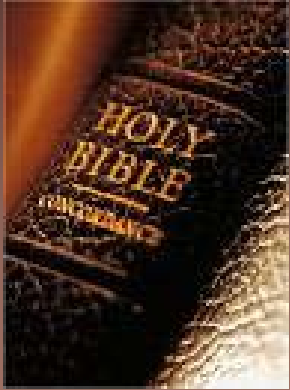
Jewish  
Settlements  
Are  
Legal

“The administration of Palestine ... shall encourage ... **close settlement by Jews** on the land, including State land and waste land not required for public purpose.”



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# A Telling Terminology



“Recognition ... to the  
**Historical Connection of the Jewish  
People with Palestine.**

\_\_\_\_\_ *(Preamble to the Mandate)*

“**Reconstituting** their National Home in that  
Country [Palestine]

\_\_\_\_\_ *(Preamble to the Mandate)*

“**Recreation** of Palestine as the National  
Home of the Jewish race.

\_\_\_\_\_ *(U.S. Congress 1922)*

“**Rebuilding** of their ancient homeland”

\_\_\_\_\_ *(U.S. Congress 1922)*



# Jewish Palestine



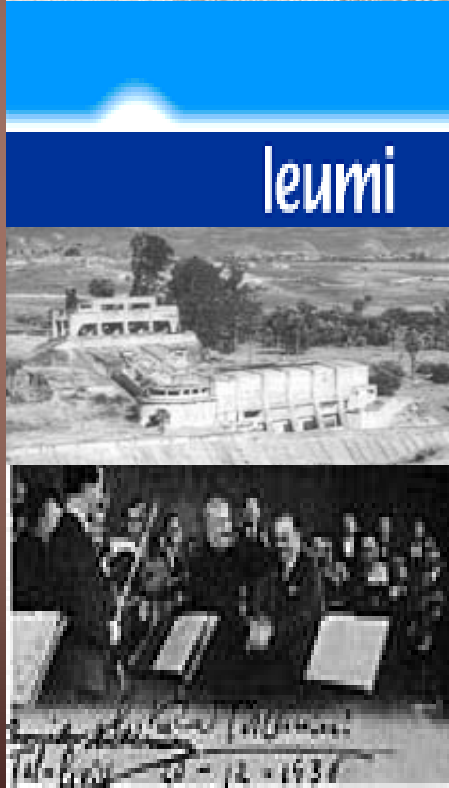
The *Jerusalem Post*, founded in 1932, was called ***The Palestine Post***.

Bank Leumi L'Israel, incorporated in 1902, was called the ***Anglo-Palestine Company*** until 1948.

Today's Israel Electric Corporation, founded in 1923 by Pinhas Rutenberg, was originally called ***The Palestine Electric Company***.

Today's Israel Philharmonic Orchestra, founded in 1936, was originally called the ***Palestine Symphony Orchestra***.

On left: Toscanini and Huberman, in the first Palestine Symphony concert, 26 Dec 1936.







# The United States Government





June 30, 1922, a joint resolution of both Houses of Congress of the United States **unanimously endorsed** the Balfour Declaration, confirming the irrevocable right of Jews to settle in the area of Palestine – anywhere between the Jordan River and the Mediterranean Sea.



## July 1922 U.S. House of Representatives Discussing House Resolution 360



Representative Walter M. Chandler from New York expresses his views upon the Arab question in Palestine:

“(1) That the Arabs shall be **permitted to remain in Palestine under Jewish government and domination**, and with their civil and religious rights guaranteed to them through the British mandate and under terms of the Balfour declaration.

“(2) That if they will not consent to Jewish government and domination, they **shall be required to sell their lands at a just valuation and retire into the Arab territory** which has been assigned to them by the League of Nations in the general reconstruction of the countries of the east.

“(3) That if they will not consent to Jewish government and domination, under conditions of right and justice, or to sell their lands at a just valuation and to retire into their own countries, **they shall be driven from Palestine by force.**”

# U.S. Presidents Supported the Establishment of the National Jewish Home in Palestine



**President Woodrow Wilson** - March 3, 1919

"I am persuaded that the Allied nations, with the fullest concurrence of our own government and people, are agreed that in **Palestine** shall be laid the foundation of a Jewish Commonwealth."



**President Warren G. Harding** - September 21, 1922

Signed the Lodge-Fish joint resolution of approval to establish a Jewish homeland in **Palestine**.



**President Calvin Coolidge** - December 3, 1924

Signed the Convention [Treaty] between the U.K. and the U.S. calling to safeguard the American interests in **Palestine**. The Convention incorporated the complete text of the "**Mandate for Palestine**," including the preamble.



**President Herbert Hoover** – October 29, 1932

On the occasion of your celebration of the 15th Anniversary of the **Balfour Declaration**, which received the unanimous approval of both houses of Congress by the adoption of the Lodge-Fish Resolution in 1922, I wish to express the hope that the ideal of the establishment of the **National Jewish Home in Palestine**, as embodied in that Declaration, will continue to prosper for the good of all the people inhabiting the Holy Land.



# League of Nations

## **The Demise of the League of Nations April 1946**

**The League of Nations  
Failed to Secure the Peace**

# United Nations Came Into Force on October 24, 1945



The **UN** General Assembly convenes its first meeting at the Organization's temporary quarters, in a converted warehouse at Lake Success, Flushing Meadows, New York on **November 19, 1946**.

# The “Mandate for Palestine” Valid to this Day

The **Mandate survived** the demise of the League of Nations and is valid to this day.

**Article 80** of the UN Charter implicitly recognizes the “Mandate for Palestine” of the League of Nations.

“The **International Court of Justice (ICJ)** has consistently recognized that the Mandate survived the demise of the League of Nations.”

**ICJ Advisory Opinion of June 21, 1971**

# The “Lobbyists” That Made it Happen

**Professor  
Eugene V.  
Rostow:**

“[A] Strong Jewish delegations ... attended the San Francisco Conference, 25 April – 26 June 1945.

“Rabbi Stephen S. Wise, Peter Bergson, Eliahu Elath, Professors Ben-Zion Netanayu and A. S. Yehuda, and Harry Selden were among the Jewish representatives.

“Their mission was to protect the Jewish **right of settlement in Palestine** under the Mandate against erosion in a world of ambitious states.

**“Article 80 was the result of their efforts.”**



# 1947 UN Partition Plan

## UN Resolution 181

UN Resolution 181, **recommended** to partition the remaining 23% of “Jewish Palestine” into a Jewish state and an Arab state. (Not a Palestinian state)

Jews **accepted** the recommendation.

Palestinian Arabs and their Arab brethren in neighboring countries **rejected** it, **promising to defy its implementation by force.**

**Resolution 181 lost its validity and relevance.**

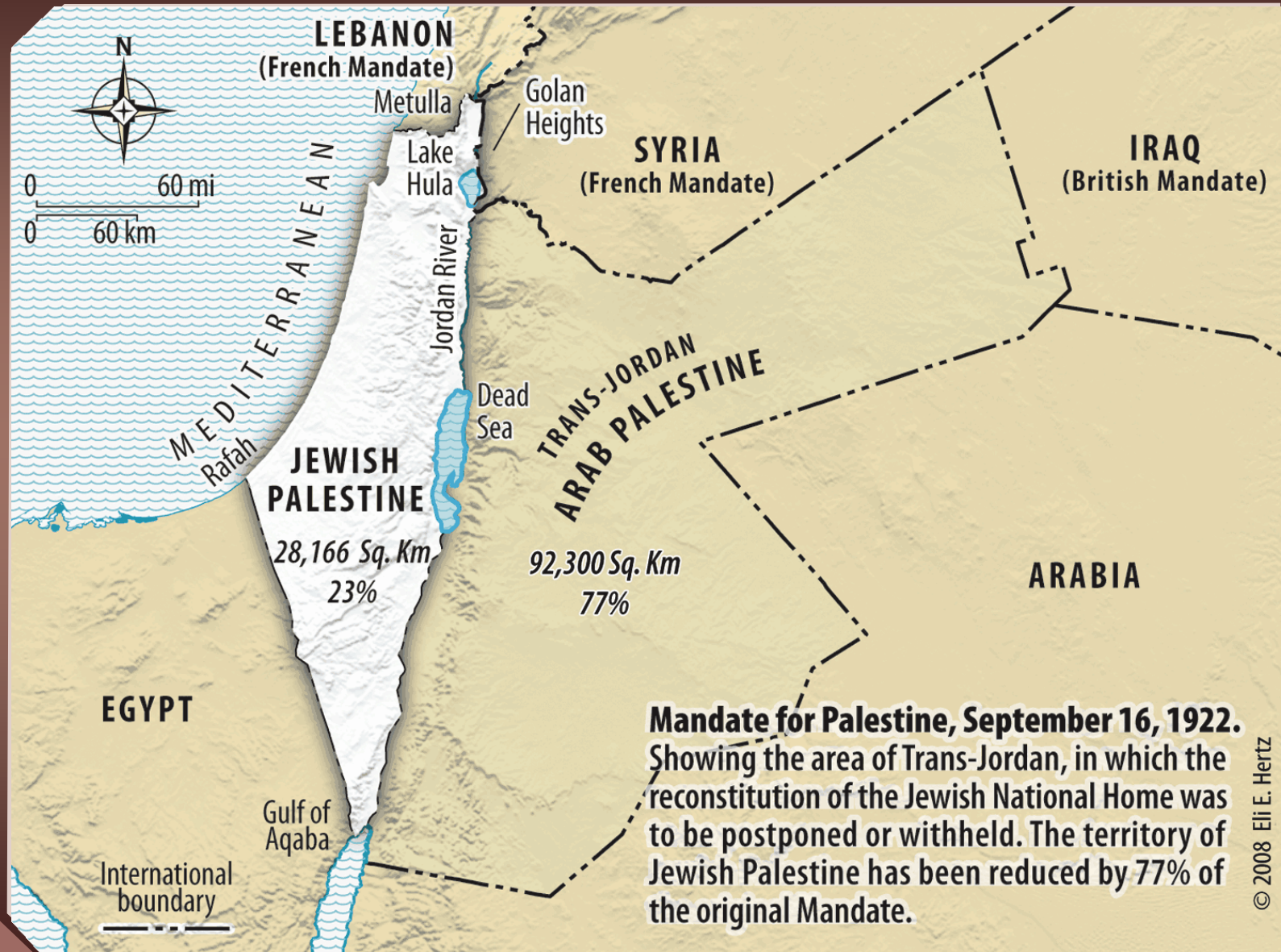
# Proposed Partition Plan

## November 29, 1947



# Final Territory in Which the Jewish National Home Was to be Reconstituted

July 24,  
1922



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# Palestinians - 'Peoplehood' is Based on a Big Lie

**Fact:** Palestine is a geographical area NOT a nationality.

**Fact:** Before the Arabs introduced the concept of Stateless Palestinian Peoplehood in the 1960s, no such group existed.

**Fact:** Palestine was never an independent sovereign Arab state belonging to any people.

**Fact:** Jerusalem has never served as an Arab capital for the simple reason that there has never been a Palestinian Arab state.

**Fact:** Arabs have never recognized or established a Palestinian state during the nineteen years prior to the Six-Day War (1948-1967), when the West Bank was under Jordanian control and the Gaza Strip was under Egyptian control.





# **The Road to Peace**

**The Road to Peace can only begin when the “Mandate for Palestine” is recognized and the rights of the Jewish people in the Land of Israel are reaffirmed.**

**Eli E. Hertz**

# **This Land is Our Land**



**We are a people  
one people**