This Land Is My Land

“MANDATE FOR PALESTINE”
THE LEGAL ASPECTS OF JEWISH RIGHTS

ELI E. HERTZ

www.Myths and Facts.org
WHY, during the years 1917 to 1947, thousands of Jews packed the little they had and headed to a place called Palestine? The majority did so because they heard that a future National Home for the Jewish people is being recreated in their ancient homeland of – Palestine.
What is Palestine?
Palestine is a Geographical Area
It is not a Nationality, not a State or a Country


PALESTINE

“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.”
What is The Mandate?
The “Mandate for Palestine” &
The British Mandate

**Trust**

The “Mandate for Palestine” is a Trust.

It is a legally binding document published by the League of Nations on July 24, 1922.

The Trust will expire only when all of its terms and conditions are met.

**Trustee**

The British Mandate, is a Trustee, known also as the 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 [28] articles of the “Mandate for Palestine.”
“Recognition ... to the **Historical Connection of the Jewish People with Palestine.**  

(*Preamble to the Mandate*)

“**Redemption of Palestine.**  

(*Report of the High Commissioner 1920-1925*)

“**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*)
<table>
<thead>
<tr>
<th>I.</th>
<th>The Founding of Modern Zionism</th>
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<td>Theodor Herzl (May 2, 1860 – July 3, 1904)</td>
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<th>II.</th>
<th>The Balfour Declaration</th>
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<td>The British Foreign Office, November 2, 1917</td>
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<th>III.</th>
<th>The San Remo Conference</th>
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<td>San Remo, Italy, April 25, 1920</td>
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<th>IV.</th>
<th>The Mandate for Palestine</th>
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<td></td>
<td>League of Nations. Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.</td>
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</table>
“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. Basle, Switzerland. 1897

Pamphlet: *The Jewish State*. 1896
“His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people.”

The victory of the Allied Powers, opened the way for a larger scale of Jews returning to Palestine.

Foreign Office, November 2nd, 1917.

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

"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, it being clearly understood 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"

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Arthur James Balfour
The British Foreign Office,
November 2nd, 1917

[Signature]
End to 400 Years of the Ottoman Empire | 1516 - 1916

World War I was Officially Over

Principal Allied Powers

U.K. 🇬🇧

U.S. 🇺🇸

France 🇫🇷

Italy 🇮🇹

Japan 🇯🇵
San Remo Conference at the Villa Devanche
San Remo Italy, April 19-26, 1920

Principal Allied Powers

U.K.

France

Italy

Japan
Members Pledged:

- Not to go to war
- To submit disputes to arbitration
- To keep friendly relations among nations
San Remo Italy, April 24, 1920

 Territory Envisioned for the Jewish National Home

The Mandate for Palestine being discussed at San Remo Italy, April 24, 1920

Showing the boundaries of the land in which the Jewish National Home was to be reconstituted.
July 24, 1922

“Recognition has thereby 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 Slovones, 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.
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.

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

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PUBLISHED BY HIS MAJESTY’S STATIONARY OFFICE.
Article 25 of the “Mandate for Palestine” entitled the Mandatory to change the terms of the Mandate in the territory east of the Jordan River.

Great Britain exercised the option provided by Article 25, cutting away 77% of the land originally earmarked for the Jews, and gave it to Jordan.
“Mandate for Palestine”
Where Jews Are not Permitted to Settle

Area Covered Under Article 25
Final Territory in Which the Jewish National Home is to be Rebuilt

July 24, 1922

Mandate for Palestine, July 24 1922. Showing the area of Trans-Jordan, in which the reconstitution of the Jewish National Home was to be postponed or withheld. The territory of Jewish Palestine has been reduced by 77% of the original Mandate.
Land Divided by the Mandate System:
Jews 3% | Arab 97%

Size Vs. Justice

Today's Land in sq. km.

<table>
<thead>
<tr>
<th>Total Jewish Land</th>
<th>22,072</th>
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<tbody>
<tr>
<td>Lebanon</td>
<td>10,400</td>
</tr>
<tr>
<td>Syria</td>
<td>185,180</td>
</tr>
<tr>
<td>Iraq</td>
<td>438,317</td>
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<tr>
<td>Jordan</td>
<td>89,342</td>
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<tr>
<th>Total Arab Land</th>
<th>723,239</th>
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Source: CIA, 2011
Churchill Reassured the Jews in Palestine...

A June 1922 letter from the British Secretary of State for the Colonies, Winston Churchill, reiterated that “The [Balfour] Declaration of 1917 [was] re-affirmed by the Conference of the Principle Allied Powers at San Remo and again in the Treaty of Sevres”...

... “the Jewish people ... is in Palestine as a right and not on sufferance. That is the reason why it necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historical connection.”

Winston Churchill
British Secretary of State for the Colonies
June, 1922
... The term ‘Palestine’ applied almost exclusively to institutions founded by Jews:

- **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*.

Photo: Toscanini and Huberman, in the first Palestine Symphony concert, 26 Dec. 1936
The United States and

The “Mandate for Palestine”
U.S. Presidents Supported the Establishment of a 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)

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.”
On June 30, 1922, a joint resolution of both Houses of Congress of the United States unanimously resolved: “Favoring the establishment in Palestine of a national home for the Jewish people.”
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.”
The U.S. Government claimed on November 20, 1920 that the participation of the United States in WWI entitled it to be consulted as to the terms of the Mandate. The British Government agreed, and the outcome was an agreement calling to safeguard the American interests in Palestine. It concluded with a convention between the United Kingdom and the United States of America, signed on December 3, 1924.

It is imperative to note, that the convention incorporated the complete text of the “Mandate for Palestine,” including the preamble.
The Demise of the League of Nations

April 20, 1946

The League of Nations Failed to Secure Peace

Assets, Rights and Obligations were all Transferred to the United Nations
The Charter of the United Nations Came into Force on October 24, 1945 – in San Francisco CA.

The **UN General Assembly** convenes its first meeting in Lake Success, Flushing Meadows, New York November 19, 1946
The “Mandate for Palestine” – Valid to This Day

• **Article 27** of the “Mandate for Palestine” document states that “consent of the Council of the League of Nations is required for any modification of the terms. No such consent was ever passed.

• **Article 80** of the UN Charter recognizes the continued validity of the rights granted to all states or peoples, or already existing international instruments including those adopted by the League of Nations. [such as the “Mandate for Palestine”]

• “[The] **International Court of Justice (ICJ)** has consistently recognized that the Mandate survived the demise of the League of Nations.” [ICJ Advisory Opinions: July 11, 1950, June 21, 1971, July 9, 2004].
“[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.”

Professor Eugene Rostow
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.**
Professor, Judge Elihu Lauterpacht explains how Jerusalem is not mentioned in the “Mandate for Palestine” yet the Holy Places are. And this in itself is relevant, for it shows that in 1922 there was no interest to identify the question of the Holy Places with internationalizing Jerusalem.

Jerusalem, the spiritual, political, and historical capital of the Jewish people, has served, and still serves, as the political capital of only one nation – the one belonging to the Jewish people.
“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

<table>
<thead>
<tr>
<th>Jews</th>
<th>Other Inhabitants</th>
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<tr>
<td>Religious Rights</td>
<td>Religious Rights</td>
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<td>Civil Rights</td>
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<tr>
<td>Political Rights</td>
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Political rights to self-determination as a polity for Arabs, were guaranteed by the same League of Nations in four other mandates.

**Under the French Mandate:** Lebanon & Syria

**Under the British Mandate:** Iraq & Trans-Jordan
“Mandate for Palestine”
No Foreign Power Allowed in Palestine

Article 5

The Territory of Palestine was Assigned Exclusively for the Jewish National Home

“No Foreign Power Allowed in Palestine

“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.”
“Mandate for Palestine”
Where Jews are Permitted and Encouraged to Settle

Article 6

Jewish Settlements Therefore Are Legal

“This Land Is My Land

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

[Mandate for Palestine]
The most senior official of the Mandate for Palestine, the High Commissioner for Palestine, underscored how “international guarantee[s]” for the existence of a Jewish National Home in Palestine were achieved:

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 of 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.”
Israel’s Declaration of Independence on May 14, 1948

On May 14, 1948, the Jewish People's Council gathered in Tel Aviv, declaring the establishment of the State of Israel.
WHY, during the years 1917 to 1947, thousands of Jews packed the little they had and headed to a place called Palestine? The majority did so because they heard that a future National Home for the Jewish people is being recreated in their ancient homeland of – Palestine.
The main sources used in this study

(1929) Prof. Judge Schwebel has served on the International Court of Justice since January 15, 1981. He was Vice President of the Court from 1994 to 1997 and has been President from 1997 to 2000. A former Deputy Legal Adviser of the United States Department of State and Burling Professor of International Law at the School of Advanced International Studies of The Johns Hopkins University (Washington).

(1907-1985) Prof. Stone was recognized as one of the twentieth century's leading authorities on the Law of Nations. His work represents a detailed analysis of the central principles of international law governing the issues raised by the Arab-Israel conflict. He was one of a few scholars to gain outstanding recognition in more than one field. Professor Stone was one of the world’s best-known authorities in both Jurisprudence and International Law.

(1928) Sir Lauterpacht was the founder (1983) of the Lauterpacht Centre of International Law at the University of Cambridge. Published Jerusalem and the Holy Places (London: The Anglo-Israel Association, 1968). Sir Lauterpacht was also a Judge ad hoc of the International Court of Justice.

(1916-2003) Prof. Eugene Rostow was Sterling Professor of Law and Public Affairs Emeritus at Yale University and served as the Dean of Yale Law School (1955-66). In 1967, as U.S. Under-Secretary of State for Political Affairs he was a key draftee of UN Resolution 242.

The British and the League of Nations archives.