

The Mandate for Palestine, Council of the League of Nations (24 July 1922)

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Figure 1 Sir Herbert Samuel, the first High Commissioner of the Palestine Mandate, arrives at Jaffa (in 1920, two years before the League of Nations officially approved the Mandate), signaling the beginning of a new era in Palestine. (Library of Congress, Prints and Photographs Division, no known restrictions)

Introduction of the Mandatory System

Emerging from World War I, the League of Nations was created in April 1920 at the end of the deliberations of the Paris Peace Conference. Its objectives were to avoid the tragedy of war, to promote international peace, and to secure cooperation among nations. In addition, the League of Nations, of which Britain and France were the two most powerful voices, established a Mandatory system, the guiding principle of which was the well-being and development of inhabitants of certain ex-enemy colonies and territories. It was to be guided by a mandatory power on behalf of the League. Until they achieved independence as states or became parts of states, the mandated areas included parts of Africa and the Middle East: Palestine, Trans-Jordan, Syria, Lebanon, Iraq, Tanganyika, South West Africa, Nauru, New Guinea and several

other geographic areas.

For Britain, sitting geographically astride Egypt and the Suez Canal, controlling Palestine was a strategic motivation for entering the War in the Middle East. Egypt and the Suez Canal were lifelines to its colonies in India and the Gulf. With Palestine under its control, the British Empires contiguous territorial link to Iraq, the Arabian Peninsula, and the Persian Gulf was uninterrupted. Prior to, during, and after World War I, Britain entered into a whole series of understandings and agreements with local leaders from Afghanistan to Egypt, securing British influence, authority, and often physical presence. Securing Palestine with support of the Zionists fit very nicely with Britain's over-arching interest to emerge from the war with a land bridge from the Gulf to the Mediterranean. The Zionists, of course, preferred Britain's presence to that of another country in the development of their homeland. The Arab preference was to have the United States as its Mandatory power. On April 25, 1920, the Supreme Council of the League of Nations allocated the Palestine Mandate to Great Britain. On July 24, 1922, The League of Nations adopted the articles for Palestine's administrative and political management, the Articles of the Mandate.

Background of the Mandate for Palestine

The Articles of the Mandate confirmed the intent of the 1917 Balfour Declaration and the special privileges granted to the Jewish community in Palestine which had begun in 1918 with the appointment of the Zionist Commission headed by Chaim Weizmann. The Zionist Commission looked after the interests of the small and impoverished Jewish community and made some official contacts with local and regional Arab political leaders. Having taken Palestine from the Ottoman Turks during the war, Britain's two-year military administration gave way to a civil administration in September 1920. While the civil administration functioned, international sanction of British control of Palestine followed. With the Ottoman Empire no longer existing and Arab nationalist feeling decidedly focused on Syria, Iraq, and the Arabian Peninsula, neither Britain nor the Council of the League of Nations did anything to alter Palestine's proposed plan to develop a Jewish national home as promised in the Balfour Declaration.

Administration of the Mandate

At the League of Nations in Geneva, the Permanent Mandates Commission (PMC), composed mostly of European statesmen, met regularly to discuss fulfillment of the objectives set down for all Mandates in operation. Each Mandate had its own separate set of rules for governance. Authority belonged to which ever major power was assisting a country or region's development toward self-government. France had the mandates for Lebanon and Syria; Britain the Mandates for Palestine-Transjordan, and Iraq. Members of the PMC listened intently to petitions from residents of the mandated areas. When official representatives overseeing a particular Mandate came to discuss the annual reports of their administration, the PMC grilled them vigorously and in great detail. For example, representatives of Britain's Palestine administration would make their report to the League of Nations and the PMC members would interrogate them about issues related to the Palestine Mandate's operation -- self-government,

immigration, land reform, infrastructure development, taxation, Arab rights, agricultural loans, rural government, use of state lands, Jewish development, etc. Questions raised often led to discussion about how the Mandate was being implemented. When this occurred, the base line to judge British policy was conformity to and compatibility with the Mandate's Articles. The PMC did not make policy, it only evaluated it.

The twenty-eight articles in the Mandate for Palestine reflected Britain's commitment to the development of a Jewish national home. It was not a pro-Arab document in any manner of speaking. Because the articles in the Mandate for Palestine were pro-Zionist, the Arabs of Palestine boycotted official cooperation with the British. For their part, Zionist leaders in Palestine and London for the next twenty years repeatedly fought to preserve the wording and conceptual integrity of the Mandate's articles.

Several times during the Mandate's operation-- in the early 1920s, again in 1929-1931, and in the 1935-1939 period -- British officials and lawmakers questioned whether the establishment of the Jewish national home as defined by the Mandate was appropriate and fair to the Arab community in Palestine. Each time questions arose about changing the precise pro-Zionist language in the Mandate articles, Jewish and Zionist leaders did their best to prevent any changes. The Mandate's Articles were not altered, but Britain did periodically revise, sometimes dramatically, the manner in which it supported the Jewish national home. The most notable example was in 1939, when it severely limited Jewish immigration and land purchase, contrary to the spirit and wording in the articles of the Mandate. For its part, the PMC had no control over British policy choices in Palestine or, for that matter, over other mandatory administrations, except for acting as an international public judge and issuing rare verbal public statements.



Figure 2 the borders of Mandatory Palestine and Transjordan, as determined in the 1920 San Remo Conference. (Map produced exclusively for editor, 1985)

Pro Zionist Content of the Mandate

The preamble of the Palestine Mandate included the Balfour Declaration. Several Articles were noticeably pro-Zionist in content. Article 2 called for the Mandatory to facilitate the development of the Jewish national home. Article 4 recognized an appropriate Jewish Agency, which at the time was the Palestine Zionist Executive which in 1929 took the name Jewish Agency. Article 6 stated that while the administration of Palestine was to protect the

rights of the indigenous population, it would facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish Agency...settlement by Jews on the land. Article 7 was framed to facilitate the acquisition of Palestinian citizenship by Jews who came to Palestine. Article 11 provided for the Jewish Agency to have access to public works and concessions. Articles 22 and 23 recognized Hebrew as one of the official languages and the holy days of the various communities. In Article 25 of the Mandate, Britain reserved the right to separate the territory of Palestine, which eventually led to the establishment of Transjordan.

Until Israel's establishment in May 1948, the Articles of the Palestine Mandate remained in force as an over-arching framework for conduct of British policy in Palestine. When necessary as politics warranted, Britain unilaterally deviated from its application or fulfillment. Nonetheless, the Articles of the Mandate were the initial pathways through which the Zionists found legitimacy and developed their national home. The Zionists used the Articles of the Mandate to hold Britain accountable before the international community, particularly when there was grave Zionist opposition to Britain's policy choices in Palestine. The Arab community, for its part, found the Articles of the Mandate to be hostile to their interests. The word Arab did not appear in the Mandate Articles, only the word Arabic was to be found in describing one of the three official languages of British administration.

-Ken Stein, June 2009

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on 2 November 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing should be done which might 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; and

Whereas 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; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas by the aforementioned Article 22 (Paragraph 8) it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

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.



Article 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4

An appropriate Jewish agency shall be recognized 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.

Figure 3 a Palestine Mandatory passport. (Original author: Wasam Zaquot زقوت وسام, Public Domain)

with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home.

Article 5

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.

Article 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on 1 August 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specific period, these privileges and immunities shall, at the expiration of the Mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the disposition of the founders.

Article 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works,

services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.



Figure 4 Religious sites, such as the "Wailing Wall" in Jerusalem, which is directly adjacent to the Al-Aqsa Mosque, often became a flashpoint of ethnic and political conflict in Mandatory Palestine. (Library of Congress, Prints and Photographs Division, no known restrictions)

Article 13

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this Article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this Article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define, and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition, and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion, or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17

The Administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defense of the country, subject, however,

to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval, or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this Article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and Customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special Customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

1. "Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.
2. The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in Paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.
3. No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity. No antiquity may leave the country without an export license from the said Department.
4. Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.
5. No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent Department.
6. Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.
7. Authorization to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.
8. The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22

English, Arabic, and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23

The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

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 provisions of this Mandate as he

may consider inapplicable to the existing local conditions, and to make such provisions for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16, and 18.

Article 26

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this Mandate.

Article 28

In the event of the termination of the Mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the Administration of Palestine during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.