

## **The Balfour Declaration**

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.

Yours sincerely, Arthur James Balfour

## **League of Nations: The Mandate for Palestine, July 24, 1922**

The mandates for Mesopotamia, Syria and Palestine were assigned by the Supreme Court of the League of Nations at its San Remo meeting in April 1920. Negotiations between Great Britain and the United States with regard to the Palestine mandate were successfully concluded in May 1922, and approved by the Council of the League of Nations in July 1922. The mandates for Palestine and Syria came into force simultaneously on September 29, 1922. In this document, the League of Nations recognized the 'historical connection of the Jewish people with Palestine' and the 'grounds for reconstituting their national home in that country.'

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Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national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 His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned 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.

The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation 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 afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified 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 dispositions 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 executors 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.

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 the 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 nations of all States Members of the League of Nations.

(1) 'Antiquity' means any construction or any product of human activity earlier than the year A.D. 1700.

(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 licence 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 provision 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.*

Source:

From Israeli Government Website.

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Paul Halsall, November 1998 *{halsall@fordham.edu}*

### **Defense of the Palestine Mandate 1922.**

A.J. Balfour (1848-1930) was British Prime Minister from 1902-1905 and later the Foreign Secretary responsible for the 'Balfour Declaration'. In 1922 he responded to an attack on the British promise to the Jewish People in this speech.

My noble friend told us in his speech, and I believe him absolutely, that he has no prejudice against the Jews. I think I may say that I have no prejudice in their favor. But their position and their history, their connection with world religion and with world politics is absolutely unique. There is no parallel to it, there is nothing approaching to a parallel to it, in any other branch of human history. Here you have a small race originally inhabiting a small country, I think of about the size of Wales or Belgium, at any rate of comparable size to those two, at no time in its history wielding anything that can be described as material power, sometimes crushed in between great Oriental monarchies, its inhabitants deported, then scattered, then driven out of the country altogether into every part of the world, and yet maintaining a continuity of religious and racial tradition of which we have no parallel elsewhere.

That itself, is sufficiently remarkable, but consider-it is not a pleasant consideration, but it is one that we cannot forget-how they have been treated during long centuries, during centuries which in some parts of the world extend to the minute and the hour in which I am speaking; consider how they have been subjected to tyranny and persecution; consider whether the whole culture of Europe, the whole religious organization of Europe, has not from time to time proved itself guilty of

great crimes against this race. I quite understand that some members of this race may have given, doubtless did give, occasion for much ill-will, and I do not know how it could be otherwise, treated as they were; but, if you are going to lay stress on that, do not forget what part they have played in the intellectual, the artistic, the philosophic and scientific development of the world. I say nothing of the economic side of their energies, for on that Christian attention has always been concentrated.

I ask your Lordships to consider the other side of their activities. Nobody who knows what he is talking about will deny that they have at least-and I am putting it more moderately than I could do-rowed all their weight in the boat of scientific, intellectual and artistic progress, and they are doing so to this day. You will find them in every University, in every center of learning; and at the very moment when they were being persecuted, when some of them, at all events, were being persecuted by the Church, their philosophers were developing thoughts which the great doctors of the Church embodied in their religious system. As it was in the Middle Ages, as it was in earlier times, so it is now. And yet, is there anyone here who feels content with the position of the Jews? They have been able, by this extraordinary tenacity of their race, to maintain this continuity, and they have maintained it without having any Jewish Home.

What has been the result? The result has been that they have been described as parasites on every civilization in whose affairs they have mixed themselves very useful parasites at times I venture to say. But however that may be, do not your Lordships think that if Christendom, not oblivious of all the wrong it has done, can give a chance, without injury to others, to this race of showing whether it can organize a culture in a Home where it will be secured from oppression, that it is not well to say, if we can do it, that we will do it. And, if we can do it, should we not be doing something material to wash out an ancient stain upon our own civilization if we absorb the Jewish race in friendly and effective fashion in these countries in which they are the citizens? We should then have given them what every other nation has, some place, some local habitation, where they can develop the culture and the traditions which are peculiarly their own.

I could defend-I have endeavoured, and I hope not unsuccessfully, to defend this scheme of the Palestine Mandate from the most material economic view, and from that point of view it is capable of defence. I have endeavoured to defend it from the point of view of the existing population, and I have shown I hope with some effect, that their prosperity also is intimately bound up with the success of Zionism. But having endeavoured to the best of my ability to maintain those two propositions, I should, indeed, give an inadequate view to your Lordships of my opinions if I sat down without insisting to the utmost of my ability that, beyond and above all this, there is this great ideal at which those who think with me are aiming, and which, I believe, it is within their power to reach.

It may fail. I do not deny that this is an adventure. Are we never to have adventures? Are we never to try new experiments? I hope your Lordships will never sink to that unimaginative depth, and that experiment and adventure will be justified if there is any case or cause for their justification. Surely, it is in order that we may send a message to every land where the Jewish race has been scattered, a message which will tell them that Christendom is not oblivious of their faith, is not unmindful of the service they have rendered to the great religions of the world, and, most of all, to the religion that the majority of your Lordships' House profess, and that we desire to the best of our ability to give them that opportunity of developing, in peace and quietness under British rule, those great gifts which hitherto they have been compelled from the very nature of the case only to bring to fruition in countries which know not their language, and belong not to their race. That is the ideal which I desire to see accomplished, that is the aim which lay at the root of the policy I am trying to defend; and, though it be defensible indeed on every ground, that is the ground which chiefly moves me.

Source:

Reprinted in Brian McArthur, *Penguin Book of Twentieth Century Speeches* (London: Viking Penguin, 1992), pp. 88-90.

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