

LEAGUE OF NATIONS.

1/21537/2413.

C.436.1922. VI.

July 4th, 1922.

Palestine Mandate.

Note by the Secretary-General:

The following letter, with accompanying documents relating to the British Mandate for Palestine, has been received from the Secretary to the British Cabinet and is communicated to the Council.

Offices of the Cabinet
2, Whitehall Gardens,
S.W.1.

The Secretary to the Cabinet presents his compliments to the Secretary-General of the League of Nations and with reference to the letter addressed to the League of Nations by the Cardinal Secretary of State, on May 15th, regarding the Palestine Mandate, transmits herewith the following papers for the information of the Council of the League of Nations:-

1. A note in reply to Cardinal Gasparri's letter to the League of Nations, of May 15th. Annexed to this note are:-
 - (a) a new draft of Article 14 of the Palestine Mandate,
 - (b) correspondence between His Majesty's Secretary of State for the Colonies and the Zionist Organisation, and
 - (c) a draft Order-in-Council providing for the constitution of Palestine. The draft is still liable to revision.
2. The revised final draft of the Palestine Mandate.

With regard to enclosure (2) attention is drawn to the following verbal alterations in the draft of the Mandate published by His Majesty's Government in August last:-

Preamble.

In the first sentence:- "renounces" for "renounced".

Article 1.

"this mandate" for "the present mandate".

Article 4.

"affect" for "effect".

Article 12.

In second sentence:- "He" for "it".

Article 21.

Concluding words now read "to the nationals of all Members of the League of Nations".

Article 27.

"this mandate" for "the present mandate".

Article 28.

Concluding words now read:- "Members of the League" instead of "Powers Signatories of the Treaty of Peace with Turkey".

In addition to these verbal alterations Article 8 of the Mandate now reads:-

"The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are suspended in Palestine, but shall be revived immediately and completely upon the termination of the mandate régime, unless the Powers whose nationals were entitled on the 1st August, 1914, to such rights should agree, or have agreed, by treaty to their suspension or modification".

Article 14 has been revised as shown in annex (a) to enclosure No.1. in this letter.

Article 25; The words "with the consent of the Council of the League of Nations" have been inserted between

the words "shall be entitled" and "to postpone".

Article 27: The words after "mandate" have now been omitted.

His Majesty's Government confidently hope that in the light of the modifications now made in the mandate and the explanations furnished in these papers, the Council of the League of Nations will formally approve the terms of the mandate at their forthcoming session.

1st July, 1922.

NOTE IN REPLY TO CARDINAL GASPARRI'S LETTER OF THE
15th MAY ADDRESSED TO THE SECRETARY GENERAL OF THE
LEAGUE OF NATIONS.

1. Cardinal Gasparri's letter of the 15th May appears to His Majesty's Government to be based upon an imperfect understanding of the measures which they propose to introduce in Palestine in consequence of the charge laid upon them by Article 95 of the Treaty of Sevres. In order to remove all possibility of misapprehension they have the honour to communicate herewith for the information of the Council of the League of Nations copies of correspondence which has passed between His Majesty's Principal Secretary of State for the Colonies and the Secretary of the Zionist Organisation, together with copies of a draft Order in Council, which will shortly be promulgated to regulate the administration of Palestine.

2. His Majesty's Government fully share the opinion expressed by Cardinal Gasparri that Article 22 of the Covenant of the League of Nations would be incompatible with a Mandate that proved to be an instrument for the subjection of the native populations for the benefit of another nationality. That they associate themselves with this view is clear from the interpretation which they place upon the declaration originally made on November 2nd 1917 by the British Government and accepted by the other Allied 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.

His Majesty's Principal Secretary of State for the Colonies has defined this interpretation in the statement enclosed with his letter of the 3rd June to the Secretary of the Zionist Organisation and the Organisation have accepted it in their reply of the 18th June. The Council will observe that His Majesty's Government contemplate that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and that it has never been intended that they or any section of them should possess any other juridical status.

3. As the Secretary of State for the Colonies has pointed out in the statement referred to above, the special position assigned to the Zionist Organisation in Article IV of the draft Mandate for Palestine does not imply any administrative functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population and contemplates that the Organisation may assist in the general development of the country, but does not entitle it to share in any degree in its government. The draft Order in Council providing for the administration of Palestine does not even refer to the existence, either of a Jewish Agency or of the Zionist Organisation, which has not desired to possess, and does not possess any share in the general administration of the country.

4. The Immigration of Jews and their close settlement upon the land, including state lands and waste lands not required for public purposes, are integral and indispensable factors in the execution of the charge laid upon the Mandatory of establishing in Palestine a National Home for the Jewish people. Article VI of the draft Mandate which provides for these measures and

is quoted by Cardinal Gasparri, expressly reaffirm that the rights and position of other sections of the population must not thereby be prejudiced.

The acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine which is provided for in Article VII of the draft Mandate to which the Cardinal Secretary of State also refers in his letter, is designed to emphasise the policy, to which reference has already been made, that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and is therefore a safeguard against the very injury which the Cardinal Secretary of State anticipates will result from it.

5. Cardinal Gasparri also alludes to Article XI of the draft Mandate in support of his contention that the Jews are to be given a privileged and preponderating position as against other nationalities and creeds. His Majesty's Government regard the provision by which the Administration may arrange with the Jewish Agency mentioned in Article IV 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, as a legitimate recognition, of the special situation which arises in Palestine from the charge which has been laid upon them by the Principal Allied Powers, and also of the fact that the Jewish people, in virtue of that policy, are ready and willing to contribute by their resources and efforts to develop the country for the good of all its inhabitants.

6. His Majesty's Government invite the attention of the Council of the League of Nations to Article XVIII of the draft Palestine Order in Council which provides that no ordinance shall be passed by the Legislative Council which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals, or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language. It also provides that no ordinance shall be passed which shall in any way be repugnant to or inconsistent with the provisions of the Mandate to be issued for Palestine.

7. Article 26 of the same draft Order provides that the High Commissioner shall in any case reserve for the signification of the pleasure of His Majesty any ordinance passed by the Legislative Council which concerns matters dealt with specifically by the provisions of the mandate.

8. Article 84 of the same document provides for appeals to the Council of the League of Nations by any religious community or considerable section of the population in Palestine which complains that the terms of the mandate are not being fulfilled. His Majesty's Government are confident that the Council will agree that these provisions taken together provide ample safeguards against the risk that any nationality or creed will be subordinated in any way to any other.

9. As regards the second point raised by the Cardinal Secretary of State, namely the provision of adequate safeguards for the rights of the Christian denominations His Majesty's Government offer the following observations. In so far as civil and political

rights are concerned it will be apparent to the Council from what has already been said that the apprehensions of the Cardinal Secretary of State are unfounded. With regard to religious rights His Majesty's Government invite the attention of the Council to the provisions of Articles 54 and 83 of the draft Palestine Order in Council, which provide for the jurisdiction of the Christian religious courts and for the enjoyment by each religious community recognised by the Government of autonomy for the internal affairs of the community, subject to the provisions of any order or ordinance issued by the High Commissioner.

His Majesty's Government are anxious to ensure that no religious community shall feel any apprehensions as to the position of its adherents in Palestine under the British Mandate. They are conscious that Palestine is the centre of a variety of religious interests, each one of which, considered separately, is world wide. As a Christian Power they are fully alive to the paramount necessity of ensuring to all Christian communities the consciousness that nothing will be done in Palestine which might be construed as negligence of or indifference to Christian sentiment.

10. They have carefully considered the observations offered by the Cardinal Secretary of State on Article XIV of the draft Mandate in its present form, and in order to remove all possible ground for apprehension, have prepared an alternative draft of which a copy is enclosed. For the purpose of ensuring that the delicate task of deciding what are the existing rights in the Holy Places and religious buildings or sites which His Britannic Majesty as mandatory for Palestine is responsible for

for protecting, should be entrusted to a body of whose impartiality there can be no question, they now suggest, not only that the composition of the Commission shall be subject to the approval of the Council of the League of Nations, but that any report made by them shall also be laid before the Council of the League for confirmation.

11. As a further means towards ensuring absolute impartiality His Majesty's Government would be prepared, if the Council of the League approved this course, to select nominees for the Commission from a panel put forward in the first place under some international procedure, whether by the Assembly or Council of the League of Nations, or by the President of the Court of International Justice, while reserving to themselves the right to submit additional names for stated reasons to the Council of the League for approval. The panel should in their opinion be composed of persons of world wide reputation, to be selected in such a way that the Commission would be a thoroughly representative international body, on which none of the Great Powers interested in Palestine and none of the three confessions, namely Christian, Mohammedan and Jew, would be without representation. His Majesty's Government would also invite the Council of the League to appoint one of the members of the Commission as its first Chairman, by whatever procedure commends itself to the Council.

12. The Council will observe that His Majesty's Government do not propose in the draft Article which is now enclosed, to retain the obligation that the Commission shall necessarily ensure that certain Holy Places, religious buildings or sites are entrusted to the permanent control of suitable bodies. Nor have they attempted to define the exact number of members of whom the Commission shall be composed, beyond providing that

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the body shall be sufficiently large to ensure all interests being represented upon it.

13. The reason which has prompted His Majesty's Government to suggest that prospective nominees shall be recommended under some international procedure rather than by political or hierarchical authorities is that it appears to them preferable that a body to which this responsible task is to be entrusted should not be composed of persons who might possibly be regarded as agents of a particular Power or community whose interests might be directly concerned. Political interests are fully safeguarded by the provisions that the appointment of the Commission shall be subject to the approval of the Council of the League of Nations, and that all reports presented by the Commission shall require their confirmation. Religious interests are equally well protected by the provisions that the Commission shall be in consultation with representatives of the confessions concerned, and that any religious confession which considers that the Mandatory is not giving effect to the provisions of the report may appeal to the Council of the League of Nations, who may require the Mandatory to reassemble the Commission.

14. His Majesty's Government confidently expect that the Great Powers and confessions who are interested in Palestine, and who will, it is hoped, also be represented upon the Commission, will realise that the traditional policy of His Majesty's Government, its application in Palestine, and the proposals now put forward for the Holy Places Commission are such as to dispel all legitimate apprehensions. They invite the Council, to agree that no further political or religious safeguard is either necessary or practicable.

Article 14.

(1). In order to determine the existing rights in the Holy Places and religious buildings or sites in Palestine, which the mandatory is pledged under the preceding Article to maintain, a Commission consisting of not less than seven members shall be appointed by the mandatory subject to the approval of the Council of the League of Nations. The duty of the Commission shall be to frame a report defining these rights, including rights of ownership, user and access. The report shall be placed before the Council of the League of Nations for confirmation and when confirmed shall be binding on the mandatory.

In the preparation of their report the Commission will consider all conflicting claims to any of the Holy Places and religious buildings or sites, and will endeavour in consultation with representatives of the confessions concerned to arrive at an agreed definition of existing rights. If no agreement can be arrived at within a period to be fixed in each case by the Commission, the Commission after hearing all parties shall decide judicially on the claims of which it has had notice and shall embody such decisions in their report.

(2) The report of the Commission may also contain recommendations for ensuring that certain Holy Places, religious buildings or sites which the Commission finds to be regarded with special veneration by the adherents of one particular religion are entrusted to the permanent control of suitable bodies representing the adherents

of the religion concerned.

Such control will be guaranteed by the League of Nations.

(3) The Commission will settle its own procedure, and shall appoint its own staff. Each member of the Commission will in turn act as Chairman of the Commission. The expenses of the Commission shall be defrayed by the League of Nations.

(4) In all cases dealt with under this Article, the right and duty of the mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws, relating to public monuments as may be enacted in Palestine with the approval of the mandatory.

(5) Any religious confession which considers that the mandatory is not giving effect to the provisions of the report may appeal to the Council of the League who may require the mandatory to reassemble the Commission for the purpose of considering and reporting upon any such appeal. Such report shall be laid before the Council of the League of Nations for confirmation and when confirmed shall be binding on the mandatory.

(B).

CORRESPONDENCE BETWEEN HIS MAJESTY'S SECRETARY
OF STATE FOR THE COLONIES AND THE ZIONIST ORGANISATION.

Letter from the Under Secretary of State for the Colonies
to the Secretary of the Zionist Organisation.

No. 25494/22.

June 3rd, 1922.

Sir,

I am directed by Mr. Secretary Churchill to enclose, to be laid before your Organisation, copy of a statement which it is proposed to publish, dealing with the policy of His Majesty's Government in Palestine. The statement discusses in some detail the means by which it is intended to carry into effect the establishment of a Jewish National Home in the country. Under Article IV of the draft Mandate submitted to the Council of the League of Nations, a special position is assigned to your Organisation as an agency authorised to co-operate with His Majesty's Government in this respect. In these circumstances, it appears to Mr. Churchill essential, not only that the declared aims and intentions of your Organisation should be consistent with the policy of His Majesty's Government, but that this identity of aim should be made patent both to the people of Palestine and of this country, and indeed to the world at large. Mr Churchill feels sure that you will appreciate this consideration and will be anxious to do all in your power to remove any misunderstandings that may have arisen. He would accordingly be glad to receive from you a formal assurance that your Organisation accepts the policy as set out in the enclosed statement and is prepared to conduct its own activities in conformity therewith.

I am, etc.,

(Signed) J.E. SHUCKBURGH.

The Secretary,
The Zionist Organisation,
77, Great Russell Street. W.C.

British Policy in Palestine.

The Secretary of State for the Colonies has given renewed consideration to the existing political situation in Palestine, with a very earnest desire to arrive at a settlement of the outstanding questions which have given rise to uncertainty and unrest among certain sections of the population. After consultation with the High Commissioner for Palestine the following statement has been drawn up. It summarises the essential parts of the correspondence that has already taken place between the Secretary of State and a Delegation from the Moslem Christian Society of Palestine, which has been for some time in England, and it states the further conclusions which have since been reached.

The tension which has prevailed from time to time in Palestine is mainly due to apprehensions, which are entertained both by sections of the Arab and by sections of the Jewish population. These apprehensions, so far as the Arabs are concerned, are partly based upon exaggerated interpretations of the meaning of the Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on November 2nd, 1917. Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English". His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination

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of the Arabic population, language, or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development."

It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organisation in Article IV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the Organisation may assist in the general development of the country, but does not entitle it to share in any degree in its Government.

Further, it is contemplated that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status.

So far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded, and that that Declaration, re-affirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sevres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 60,000 of whom about one fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns, and an organization for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact "national" characteristics. 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

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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. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection.

This then is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.

For the fulfillment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be^gburden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000.

It is necessary also to ensure that persons

who are politically undesirable are excluded from Palestine, and every precaution has been, and will be, taken by the Administration to that end.

It is intended that a special Committee should be established in Palestine consisting entirely of members of the new Legislative Council elected by the people, to confer with the Administration upon matters relating to the regulation of immigration. Should any difference of opinion arise between this committee and the Administration, the matter will be referred to His Majesty's Government, who will give it special consideration. In addition, under Article 81 of the draft Palestine Order-in-Council any religious community or considerable section of the population of Palestine will have a general right of appeal, through the High Commissioner and the Secretary of State, to the League of Nations on any matter on which they may consider that the terms of the Mandate are not being fulfilled by the Government of Palestine.

With reference to the Constitution which it is now intended to establish in Palestine, the draft of which has already been published, it is desirable to make certain points clear. In the first place it is not the case, as has been represented by the Arab Delegation, that during the war His Majesty's Government gave an undertaking that an independent national government should be at once established in Palestine. This representation mainly rests upon a letter dated the 24th October, 1915, from Sir Henry McMahon, then his Majesty's High Commissioner in Egypt, to the Sherif of Mecca, now King Hussein of the Kingdom of the Hejaz. That letter

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is quoted as conveying the promise to the Sherif of Mecca to recognise and support the independence of the Arabs within the territories proposed by him. But this promise was given subject to a reservation made in the same letter which excluded from its scope, among other territories, the portions of Syria lying to the West of the district of Damascus. This reservation has always been regarded by His Majesty's Government as covering the Vilayet of Beirut and the independent Sanjak of Jerusalem. The whole of Palestine west of the Jordan was thus excluded from Sir H. McMahon's pledge.

Nevertheless it is the intention of His Majesty's Government to foster the establishment of a full measure of self government in Palestine. But they are of opinion, that in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly. The first step was taken when, on the institution of a civil Administration, the nominated Advisory Council, which now exists, was established. It was stated at the time by the High Commissioner that this was the first step in the development of self governing institutions, and it is now proposed to take a second step by the establishment of a Legislative Council containing a large proportion of members elected on a wide franchise. It was proposed in the published draft that three of the members of this Council should be non-official persons nominated by the High Commissioner, but representations having been made in opposition to this provision, based on cogent considerations, the Secretary of State is prepared to omit it. The Legislative Council would then consist of the High Commissioner as President, and twelve elected and ten official members. The Secretary of State is of opinion that before a further measure of self-government

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is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse. During this period the institutions of the country will have become well established; its financial credit will be based on firm foundations, and the Palestinian officials will have been enabled to gain experience of sound methods of government. After a few years the situation will be again reviewed, and if the experience of the working of the constitution now to be established so warranted a larger share of authority would then be extended to the elected representatives of the people.

The Secretary of State would point out that already the present Administration has transferred to a Supreme Council elected by the Moslem community of Palestine, the entire control of Moslem religious endowments (Wakfs), and of the Moslem religious Courts. To this Council the Administration has also voluntarily restored considerable revenues derived from ancient endowments which had been sequestrated by the Turkish Government. The Education Department is also advised by a committee representative of all sections of the population, and the Department of Commerce and Industry has the benefit of the co-operation of the Chambers of Commerce which have been established in the principal centres. It is the intention of the Administration to associate in an increased degree similar representative committees with the various Departments of the Government.

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The Secretary of State believes that a policy upon these lines, coupled with the maintenance of the fullest religious liberty in Palestine and with scrupulous regard for the rights of each community with reference to its Holy Places, cannot but commend itself to the various sections of the population, and that upon this basis may be built up that spirit of co-operation upon which the future progress and prosperity of the Holy Land must largely depend.

REPLY FROM THE ZIONIST ORGANISATION.

77, Great Russell Street,

10th June, 1922.

The Under Secretary of State,
Colonial Office,
Downing Street, S.W.1.

Sir,

With reference to your letter of June 3rd (No. 23494/22) receipt of which has already been acknowledged, I have the honour to inform you that the Executive of the Zionist Organisation have considered the statement relative to the policy of His Majesty's Government in Palestine, of which you have been good enough to furnish them with a copy, and have passed the following resolution:-

"The Executive of the Zionist Organisation, having taken note of the statement relative to British policy in Palestine transmitted to them by the Colonial Office under date June 3rd 1922, assure His Majesty's Government that the activities of the Zionist Organisation will be conducted in conformity with the policy therein set forth".

The Executive observe with satisfaction that His Majesty's Government, in defining their policy in Palestine, take occasion once more to reaffirm the Declaration of November 2nd 1917, and lay it down as a matter of International concern that the Jewish people should know that it is in Palestine as of right.

The Executive further observe that His Majesty's Government also acknowledge, as a corollary of this right, that it is necessary that the Jews shall be able

to increase their numbers in Palestine by immigration and understand from the statement of policy that the volume of such immigration is to be determined by the economic capacity of the country from time to time to absorb new arrivals. Whatever arrangements may be made in regard to the regulation of such immigration, the Executive confidently trust that both His Majesty's Government and the Administration of Palestine will be guided in this matter by the aforesaid principle.

The Zionist Organisation has at all times been sincerely desirous of proceeding in harmonious co-operation with all sections of the people of Palestine. It has repeatedly made it clear both in word and deed that nothing is further from its purpose than to prejudice in the smallest degree the civil or religious rights or the material interests of the non-Jewish population. The Zionist Organisation will continue on its side to spare no efforts to foster the spirit of goodwill to which His Majesty's Government have pointed as the only sure foundation for the future prosperity of Palestine. The Executive earnestly hope that the statement of policy which His Majesty's Government propose to issue will once and for all dispel such misapprehensions as may still exist, and that, loyally accepted by all parties concerned, it may mark the opening of a new era of peaceful progress.

I have, &c.,

(Signed) CH. WEIZMANN.

Note.

Only very few English copies of the Draft Order-in-Council are at present available. For the moment, therefore, only 1 copy in English is being distributed to each Member of the Council.

LEAGUE OF NATIONS.

REVISED FINAL DRAFT OF THE MANDATE FOR PALESTINE FOR
THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

The Council of the League of Nations.

Whereas by Article 132 of the Treaty of Peace signed at Sevres on the tenth day of August, 1920, Turkey renounces in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied 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 terms of the mandate in respect of Palestine have 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;

Hereby approves the terms of the said mandate as follows:-

Article 1.

His Britannic Majesty shall have the right to exercise as mandatory all the powers inherent in the Government of a Sovereign State, 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 encourage the widest measure of self-government for localities consistent with the prevailing conditions.

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.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation 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 will 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 immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are suspended in Palestine, but shall be revived immediately and completely upon the termination of the mandate régime, unless the Powers whose nationals were entitled on the 1st August, 1914, to such rights should agree, or have agreed, by treaty to their suspension or modification.

Article 9.

The mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard

(a) the interests of foreigners; (b) the law and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of wakf and personal status). In particular the mandatory agrees that 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 Article 311 of the Treaty of Peace with Turkey, 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

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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 utilised 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.

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, 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 will be responsible solely to the League of Nations in all matters connected therewith; provided that nothing in this article shall prevent the mandatory from entering into such arrangement 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.

In order to determine the existing rights in the Holy Places and religious buildings or sites in Palestine, which the mandatory is pledged under the preceding Article to maintain, a Commission consisting of not less than seven members shall be appointed by the mandatory subject to the approval of the Council of the League of Nations. The duty of the Commission shall be to frame a report defining these rights, including rights of ownership, user and access. The report shall be laid before the Council of the League of Nations for confirmation and when confirmed shall be binding on the mandatory.

In the preparation of their report the Commission will consider all conflicting claims to any of the Holy Places and religious buildings or sites, and will endeavour in consultation with representatives of the confessions concerned to arrive at an agreed definition of existing rights. If no agreement can be arrived at within a period to be fixed in each case by the Commission, the Commission after hearing all parties shall decide judicially on the claims of which it has had notice and shall

embody such decisions in their report.

The report of the Commission may also contain recommendations for ensuring that certain Holy Places, religious buildings or sites which the Commission finds to be regarded with special veneration by the adherents of one particular religion are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned.

Such control will be guaranteed by the League of Nations.

The Commission will settle its own procedure, and shall appoint its own staff. Each member of the Commission will in turn act as Chairman of the Commission. The expenses of the Commission shall be defrayed by the League of Nations.

In all cases dealt with under this Article, the right and duty of the mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the mandatory.

Any religious confession which considers that the mandatory is not giving effect to the provisions of the report may appeal to the Council of the League who may require the mandatory to reassemble the Commission for the purpose of considering and reporting upon any such appeal. Such report shall be laid before the Council of the League of Nations for confirmation and when confirmed shall be binding on the mandatory.

Article 15.

The mandatory will see that complete freedom of conscience

conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is 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 religions 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 organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence 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

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 forces maintained by the mandatory.

The mandatory shall be entitled at all time 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 must see that there is no discrimination in Palestine against the nationals of any of the State's members of the League of Nations (including companies incorporated under their 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.

Nothing in this article shall prevent the Government of Palestine, on the advice of the mandatory, from concluding 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 will adhere on behalf of the Administration to any general international conventions already existing or that 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 will cooperate 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 will secure, within twelve months from the date of the coming into force of this mandate, the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with

Turkey. This law shall replace the former Ottoman law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all Members of the League of Nations.

Article 22.

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

Article 23.

The Administration of Palestine shall recognise 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 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

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 no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute 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 conferred upon the mandatory by this Declaration, 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 for securing, under the guarantee of the League, that the Government of Palestine will fully honour 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 copy shall be deposited 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.

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