

Promises and Practicalities Inherent in the Palestinian Mandate

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Introduction

The World War One witnessed the destruction of the German, Russian, Austro-Hungarian, and Ottoman Empires. Yet not all of the war's outcomes were necessarily destructive. In 1922, a newly created international body, the League of Nations, issued the Palestinian Mandate. In the Mandate the United Kingdom was identified not as an imperial power, but as a tutelary power for the people of Palestine. This Mandate was not an act of altruism, but rather a product of the fortunes of war which first lead the Great Powers in 1916 to plan to divide the Ottoman Empire among themselves. This plan was known as the Sykes-Picot Agreement, and became possible following the British conquest of the Ottoman province of Syria. When Britain decided that it should retain possession of Palestine at war's end, the British also decided its new territory should serve as a homeland for the world's Jewish population. The Balfour Declaration was the result of years of debate and lobbying by Jewish nationalists- called Zionists- within Britain. Meanwhile, the Arab nationalism that had developed in Syria at this time reacted negatively to the prospect of a Jewish homeland developing within formerly Ottoman Syria. This paper will examine the development of the terms of the Palestinian Mandate, specifically the Mandate's borders, and the terms by which it sought to address British needs, Zionist claims, and Arab nationalism.

Historiography

There have been several attempts to chronicle the transition from Ottoman Syria to British Palestine. Three notable examples are *The Truth About the Peace Treaties* by British Prime Minister David Lloyd George and *Paris 1919* by his granddaughter Margaret McMillan and finally *A Peace to End All Peace* by David Fromkin. In his memoirs, Lloyd George recounts the origin of the Balfour Declaration, the decision to invade Palestine and the subsequent setting up of the Mandate as practical solutions to wartime challenges arrived at after careful

deliberation with the principal stakeholders. McMillan stresses the geopolitical necessity of Lloyd George's decisions.

For McMillan, the first six months of the peace process following the war were the most important, when chains of events were set into motion. She argues that what was intended to be a preliminary conference to work out the Allied negotiating position subtly evolved into the Treaty of Versailles itself. She argues that this was due to the myriad of voices demanding to be heard while the peacemakers worked against the clock and the conference and grew into something of unprecedented size and complexity. The voices in Paris were raised in a cacophony of competing nationalisms—Zionist, Arab, Polish, Armenian, Ukrainian and Kurdish. “Self Determination” was able to provide a guiding light in this chaos but was useless when it came to competing nationalisms. Thus the personalities and the national interests of Clemenceau, Lloyd George and Wilson played a role alongside the forces on the ground in shaping the modern Middle East.

Fromkin agrees up to a point with McMillan and Lloyd George. He acknowledges that Europeans and Americans were making the post war deals. He notes that many of the Middle Eastern personalities were irrelevant in this setting. However, his principal argument is that the results of the Peace Conference were in keeping with British and French relations as they had existed prior to the war. He argues that British war aims were an extension of “The Great Game” where the United Kingdom sought to prevent the French and Russians from interfering with its access to India. His *A Peace to End All Peace* does an excellent job of chronicling the war time Middle East. In it, he argues that British ignorance of Arab and Jewish affairs and fixed erroneous beliefs regarding the influence of Zionism and secret Arab societies led to the acceptance of Arab Nationalist and Zionist aims- which were conflicting- as British wartime goals. Britain's wartime aims under Field Marshal Kitchener included Mesopotamia- not

Palestine- with an overland rail line from Alexandretta to Bagdad, allowing for rapid reinforcement of British forces in India. According to Fromkin, Lloyd George's evangelical faith was the driving force behind the British invasion and conquest of the Holy Land. Bureaucratic politics and the complexities that arose from it prevented the government from reigning the Prime Minister in.

Neither Fromkin, McMillan nor Lloyd George spend much time contemplating the situation of the Arabs in Mandatory Palestine. Discussion of the Arab population is entirely missing from McMillan and Lloyd George save references to Prince Feisal and King Hussein. Fromkin is completely dismissive of Middle Eastern personalities except for the Turks and considers the Arabs tertiary to the larger more important European players. Thus, in order to consider the other side of a controversial issue we need to include Middle Eastern scholars in the discussion. Baruch Kimmerling and Joel S. Migdal's *Palestinians the Making of a People* provides us with an Israeli perspective while Rashid Khalidi's *Palestinian Identity, The Construction of Modern National Consciousness* presents the Palestinian standpoint.

Khalidi feels that existing works on Palestinian Arab history cover the topic well but the restoration of the Khalidi family library in Jerusalem allowed him access to periodicals and educational material that permitted him to examine two important elements of nation building- the press and standardized education. Khalidid uses these materials to analyse how views of self, other, time and space shifted in times of political stress. He notes how ideas which appear long lasting such as identity, political preference and our very understanding of history can crumble or evolve rapidly.

In searching for the origin and basic features of Palestinian identity, Kimmerling and Migdal focus on the dynamics of the beliefs of peasants, urban workers, merchants and landowners as the social foundation which empowered the Palestinian nation's leadership.

Kimmerling believes that Zionism and Palestinian nationalism are two sides of the same coin. Without the Zionist Organization's pressures on the Arab population, a Palestinian nationalism would not have emerged. This is a mistake, national identities emerged all over the world in newly created countries, one of which is also a product of the Palestinian Mandate- that of Jordan.

Background of British Conquest and Policies

Sykes-Picot Agreement

In 1915, Russia had urged an Allied assault on the Dardanelles, but worried that Britain might decide to keep Constantinople when it seemed the British were about to capture the city. So, in March of 1915 the Russian Foreign Minister, Sergei Sazanov, demanded the straits and Constantinople for Russia in the event of their capture as well as a list of detailed territorial claims from the French and British. The British government was aware that pro-German elements of the Russian court would misrepresent a British victory at Constantinople and endanger their alliance with Moscow. The British were also aware that the destruction of the Ottoman Empire would be a heavy blow to the Muslim world. Russia pressed its claim and in doing so forced the western powers to form their own territorial claims.¹

Although Kitchener had advocated otherwise, at the onset of WWI Britain had no territorial designs on the Ottoman Empire. Kitchener believed that Islam was a single entity and that the Caliph was obeyed by and spoke for Muslims everywhere. The Caliph- by this line of thinking- could make ruling India and Egypt (fully half the world's Muslims) frustrating for the United Kingdom, especially if he fell under Russian or French influence. Kitchener proposed ending the Ottoman Caliphate and replacing it with an Arabian Caliphate. Such a Caliphate

¹ David Fromkin, *A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East* (New York: H. Holt and, 2009), 137-42.

would be easier to insulate from outside influences and easier for Britain to control. Mecca and Medina were after all almost coastal communities and the edges of the Arabian peninsula could be controlled by the British Navy.² Although the British were happy to have the Ottoman Empire serve as a buffer between Russian and British interests, the fortunes of war made large territory available, and carving up the Ottoman empire became an agreeable prospect to the British.

The Sykes-Picot-Sazanov agreement of February 1916 partitioned the Ottoman Empire and can be seen as the culmination of the “Great Game” being played in the 19th Century by Britain, France and Russia for control of routes to India via the Mediterranean Sea. The British wished to keep their road to India open and free from interference by France or Russia. In order to do this they needed to secure Suez. The British also saw the opportunity to secure an overland route which would cut travel time to and from their Indian possessions through Mesopotamia which they were to control. Jerusalem and Palestine were designated as an international zone under joint British and French administration. Russia was to receive Constantinople as the historic seat of Orthodox Christianity as well as Eastern Anatolia, the Bosphorus, and the Dardanelles, in order to secure access to the Mediterranean. The French wanted to establish themselves as the protectors of the Levant and Holy Places. They also had considerable financial interests in Syria. Their section of the Middle East was to stretch north from Syria to Cilicia in southern Anatolia. The Sykes-Picot-Sazanov agreement was an attempt to meet all these desires. As soon as it was written- however- each of the principal parties worked to undermine the agreement. The British in particular wanted Palestine for their own.³

² Ibid, 96-98.

³ Margaret MacMillan, *Paris 1919* (New York: Random House, 2001), 374.

In secret negotiations France was able to secure Russian agreement that an international administration for Palestine would be impractical, and instead that a French administration should be established. Russia would help pressure Britain to this end.⁴

The Sykes-Picot agreement insured that Russia would be contained in the Middle East, but the demise of the Russian Empire and the new Bolshevik regime peace treaty with the Central Powers ended Russia's involvement and left only Britain and France as the major powers in the area.

At this point, new allies such as the Zionists and Arab Nationalists were beginning to seem more important to the British than the French in ending the war. This was a radical view, but it was shared by some key decision makers including Mark Sykes. In London Sykes and others became convinced that the secret Arab societies in Damascus could secure the loyalty of Arab forces in Syria for the Allies. They were unaware that the Ottomans had already disrupted these groups and dispersed the Arab military divisions. In December of 1915 Sykes had reported that the Arab-speaking troops of the Ottoman empire would join the Allied side if Britain invaded Palestine.⁵ Meanwhile, in Egypt the British military adopted a policy of encouraging an Arab revolt by working with Husein, the Sherif of Mecca and his son Feisal. As a result Colonel Lawrence was sent with money to encourage this revolt.

By the time the British invaded Syria the Sykes-Picot agreement was defunct. Only the French maintained any interest in it.

The Palestine Campaign

The Ottoman Empire entered World War One on October 29th of 1914 by raiding Russian ports with ships recently purchased from Germany. These ships were still manned by German sailors and had German commanders. Russia and its allies then declared war on the

⁴ Fromkin, 197

⁵ Ibid, 189-90.

Ottomans in November. In January of 1915 Ottoman forces in Palestine- led by German Colonel Kress von Kressenstein- attacked the Suez Canal and Egypt, but were repulsed by the British. In turn, by January of 1917 the British had secured control of the Sinai Peninsula after the battle of Rafa. The British then completed construction of the Sinai-Rafa railway and prepared to invade Palestine. Both the Sinai Campaign and Palestine Campaign were, however, plagued by manpower shortages as troops were continually called back to shore up the Western Front. In fact the Palestine Campaign itself was put on hold in order to free men for the British 1917 Spring Offensive.

Rafa is approximately fifteen miles from Gaza, a distance accessible by horse in under two hours. With the railhead at Rafa the British had an excellent position from which to launch their campaign for Palestine. Von Kressenstein chose to meet the British forces at Gaza, effectively fortifying it with sophisticated trench networks and artillery defenses. This insured that he could meet his enemy well south of Palestine's most important cities, Jaffa and Jerusalem. In the battles of March and April 1917, von Kressenstein's defenses held and Sir Archibald Murray's attacking forces were defeated. In May Murray was relieved of his Command and in June General Allenby (a cavalryman) was given command of the Palestine Campaign. In July Feisal and Lawrence took the port of Aqaba on a bay of the Red Sea. Allenby following Lawrence's advice now made Feisal a Colonel and charged him with harassing the Ottoman eastern flank in Palestine. He hoped that Feisal's forces would recruit Syrian deserters and build up a force large and disciplined enough to engage in conventional operations against the Turkish forces, but this was never realized and Feisal's men remain a guerrilla force for the duration of the war.⁶

⁶ Ibid, 309-13.

On the last day in October 1917, British forces feinted towards Gaza, but their real attack was directed at Beersheba. Allenby's Australian and New Zealand Cavalry units swung east around Beersheba then north to cut communications, supply and reinforcements. The Ottoman forces at Beersheba were unprepared, possibly due to a ruse by Col Meinertzhagen, General Allenby's chief intelligence officer. Meinertzhagen had disguised himself as a courier and allowed himself to get "lost" straying too close to Ottoman lines. When Ottoman cavalry pursued him he dropped his knapsack and rifle, smeared with blood from his horse and galloped away. The knapsack contained detailed information about a feint towards Beersheba followed by an all out attack on Gaza. This was the exact opposite of Allenby's intent; it is unknown how effective Meinertzhagen's ruse was, however, in his diary he noted that later interrogation of Turkish prisoners revealed that they had not "contemplated" a British attack at Beersheba and expected only British reconnaissance. Meinertzhagen believed that his knapsack trick had been the deciding factor in the battle.⁷

During the first week in November, Ottoman rearguard action allowed the main bodies of the Ottoman Seventh and Eighth Armies to withdraw in an orderly fashion north. By the 6th, General Allenby's forces finished rolling up the Gaza to Beersheba line and captured Gaza on the 9th of November. Meinertzhagen again recounts how the Ottoman forces at Gaza were victims of another of his clever tricks. He had learned through interrogating Turkish troops that the Ottoman forces had not had access to cigarettes for some time. The British began dropping cigarettes packets which included British propaganda inside, enticing the Turkish troops to surrender. On the evening of November 8th the cigarettes were doped with opium- against Allenby's orders. After the the Battle Allenby confronted Meinertzhagen, complaining that "Those Turks at Gaza put up a jolly poor fight."⁸

⁷ R. Meinertzhagen, *Army Diary: 1899-1926* (Edinburgh: Oliver and Boyd, 1960), 223.

⁸ *Ibid*, 224.

After losing at Gaza, the Ottoman forces split, with the Eighth Army occupying defensive positions south of Jaffa and the Seventh Army moving to secure the hillsides around Jerusalem. On November 14th, Allenby's forces broke through the Ottoman defenses south of Jaffa and the Ottoman VIII Army began to evacuate the port city and move to new positions north of the Nahr el Auja. Allenby then began a feint movement north from Beersheba to Jerusalem. However, while laying siege to Jaffa, he instead moved his main force along the Jaffa-Jerusalem railway and on December 9th, Allenby entered Jerusalem along with Feisal, Lawrence and the Italian infantry. On December 22nd, Allenby's forces entered and secured the port of Jaffa. With the capture of Jaffa and Jerusalem, the British were in control of Palestine. Fighting continued along the main supply railway between Nablus and Jerusalem until the next year when Allenby again pushed north; this time feinting inland and pushing his main forces north along the coast.

Balfour Declaration

The British military successes in Palestine, Mesopotamia and Syria were beyond what anyone had expected, but London was already moving to divide up the new territory. The Balfour Declaration was published in Britain on November 2nd, while British forces were on the road to Gaza fresh from their victory at Beersheba.

Chaim Weizmann's successes were also recent, he had been elected President of the British Zionist Foundation in February of 1917 and in the months preceding the publication of the Balfour Declaration, debate had continued to rage between Assimilationist and Zionist Jews in the United Kingdom. Weizmann did not welcome criticism and when opposed or criticized in Zionist meetings he threatened -repeatedly- to quit. His threat to resign would have deprived Zionism of its most public figure and could have critically wounded the cause itself. As a result,

his internal opponents were silenced by his threats, and he became the *ad hoc* voice of Zionism to the British Government.⁹

The Assimilationists- led by Michael Wolf- had opposed calls for mass migration and “special privileges” for Jews in Palestine and elsewhere. Assimilationists had argued that the Jewish people's time in Palestine was a mere period in their greater history as a people of faith. Weizmann was disdainful of successful Jews in the West and insulted them, equating their assimilation as self-delusion. And he did so in the Jewish press.¹⁰

The Assimilationists responded by arguing that Zionism was an Eastern European response to Czarist pogroms, and added that Western European Jews had no need for Jewish nationalism. In short, Wolf saw Zionism as foreign and alien to the experiences of British Jews and stressed that the Zionists did not represent the British Jewish community. The debate between these two camps eventually became public, appearing as letters in non-Jewish newspapers and magazines across the United Kingdom. This caused Anglo-Jewry to appear argumentative, chaotic and ununified. Wolf and the other Assimilationists lost their positions within the British Zionist Federation due to this publicity.¹¹ Weizmann's election as President of the British Zionist Federation meant that it was his brand of Zionism that would be lobbied in the halls of British Government.

Weizmann also had a powerful advocate in the new British Prime Minister, David Lloyd George who took office in December of 1916. Lloyd George was determined to take Palestine. He was a Christian Zionist, a member of Non-Conformist faith who saw the return of the Jewish people to Judea as natural.

⁹ Jonathan Schneer, *The Balfour Declaration: The Origins of the Arab-israeli Conflict* (New York: Random House Trade Paperbacks, 2012), 303-318.

¹⁰ Ibid.

¹¹ Ibid.

The Asquith Government and Lord Kitchner in particular did not want Palestine and during negotiations for the Sykes-Picot had pushed for the port of Alexandretta and a territorial belt to build a railroad to Mesopotamia. The compromise worked out by Sykes (who spoke for Kitchner and did want Britain to have Palestine) was for Britain to participate in an international administration over Palestine.¹² When Kitchner died at sea in June of 1916, Lord Curzon became the most prominent critic of a British Palestine.

However, Lloyd George not only wanted Palestine for Britain but objected to the Sykes-Picot agreement which would have seen Palestine “mutilated and torn” to pieces. If Sykes-Picot were left in place, “there would be no more Palestine. Canaan was to be drawn and quartered.” The new Prime Minister saw the area as a “historic and sacred land, throbbing from Dan to Beersheba with immortal traditions, the homeland of a spiritual outlook and faith...fashioning...the destinies of mankind.” He referred to the Sykes-Picot agreement as a “carving knife...hacking...the Holy Land.” He clearly held strong feelings and viewed this region in religious terms and continued to use biblical terms for the regions geography in speeches and meetings such as “the land of the Philistines,” “the mountains of Judea” and in describing the success of Allenby’s forces he stated that “the zeal of the Crusaders was relumed in their soul... The redemption of Palestine...a pillar of flame to lead them on.” He summed up his beliefs simply: “It was not worth fighting for Canaan in order to condemn it...and hew it in pieces before the Lord...Palestine...must be one and indivisible to renew its greatness as a living entity.”¹³

The idea was also practical, because a Jewish State in Palestine backed by the United Kingdom would allow for the British to “legitimately” impose itself in Ottoman affairs much as the French had for Maronites in Syria and the Russians had for the Orthodox Faith. Many in the

¹² Fromkin, 188-95.

¹³ David Lloyd George, *The Truth about the Peace Treaties* (London: Gollancz, 1938), 1115-1116.

United Kingdom believed Britain was the chosen instrument of God to return the Jews to the Holy Land and there to convert them to Christians.¹⁴

Balfour, Lloyd George and Weizmann all lived in the Manchester area, home of Britain's largest Jewish community and Lloyd George understood Zionist internal politics. As a lawyer he had represented Zionist founder, Theodore Herzl, who believed that the Jews needed a homeland as a refuge for Eastern European Jews to escape the pogroms and sought to establish a colony. Having represented Zionism in its formative years, the Prime Minister knew exactly what he wanted to do with Palestine when he conquered it. He would aggrandize Britain and do the Lord's work at the same time. Lloyd George trusted that the Jews would be a strategic partner for Britain. He could also accomplish a personal religious goal.¹⁵

The three men worked together to win support among civilian members of government. Lord Alfred Milner, member of Lloyd George's five man War Cabinet as a Minister Without Portfolio (though he focused on domestic issues) was converted early and worked to advance the Zionist cause within the Imperial War Council and helped to overcome the Conservative head of the Foreign Office, Lord Curzon's objections. Lord Robert Cecil, one of the architects of the League of Nations also became an advocate of the Zionist cause.¹⁶ Chaim Weizmann also won over Walter Rothschild, a British nobleman and *de facto* leader of British Jewry to Zionism. The Rothschild family had been members of the Assimilationist camp but Rothschild's conversion was able to convince Lord Balfour and others that the Jews of Britain were in favor of Zionism. Eventually enough members of government were converted, either through geopolitics or religion. The Balfour Declaration was written by Lord Milner and was published on the 2nd of November, 1917; it was framed as a letter to Lord Walter Rothschild.¹⁷ It represented

¹⁴ Fromkin, 263-269.

¹⁵ Ibid.

¹⁶ Ibid, 276-283.

¹⁷ Schneer, 303-318.

a year's worth of lobbying the most influential men of the British Empire. Southern Syria would now become Palestine, controlled by the British and was to be Jewish in nature. Lloyd George would later claim that the Balfour Declaration was "part of our propagandist strategy for mobilizing every opinion and force throughout the world which would weaken the enemy ...to disintegrate the solidarity of the enemy countries." He also noted that at this time the German government was "making very serious efforts to capture the Zionist Movement" for itself.¹⁸

Creation of the Mandate

The Ottomans had divided the southern Levant into four separate *Sanjaqs*: the *Sanjaq* of Jerusalem, the *Sanjaq* of Nablus, the *Sanjaq of Acre* and the *Sanjaq* of Beirut. The present Israeli-Lebanon border is close to the boundary between the *Sanjaqs* of Beirut and Acre, but includes more of southern Acre as it progresses eastward from the Mediterranean. The *Sanjaq* of Jerusalem extended east from the Mediterranean to the Jordan River and Dead Sea. The Sykes-Picot Agreement proposed combining all of the Ottoman *Sanjaqs* of Jerusalem, Nablus and Acre into a single unit to be administered by an international body, except in the north, where parts of Acre were reserved for French and British use.¹⁹

Southern Border

The Southern Border of the Mandate maintained the prewar boundary between Egypt and Ottoman Syria. In 1906 the Ottoman Empire had given Egypt administrative rights to the western portion of the Sinai Peninsula up to a line drawn from Rafa to the head of the Gulf of Aqaba. There were discussions within the British administration to alter this. Colonel Richard Meinertzhagen, General Allenby's intelligence chief, had proposed to David Lloyd George the

¹⁸ Lloyd George, 1118-21.

¹⁹ John J. Mctague Jr., "Anglo-French Negotiations over the Boundaries of Palestine, 1919-1920," *Journal of Palestine Studies* 11, no. 2 (1982): 100-112.

annexation of the Sinai Peninsula. He planned to use this region as a buffer between Suez and the “two eggs” laid by the Peace conference- the eventual Arab and Jewish nationalist governments, which he foresaw emerging before the middle of the twentieth century. Annexing Sinai, he argued, would provide a “strong foothold” accessing both the Mediterranean and the Red Sea with a base at “the best harbour” in the Eastern Mediterranean. Which harbour he was referring to is unclear. Meinertzhagen even foresaw constructing a second canal, duplicating Suez, in an area which- unlike Egypt and Palestine- was thinly populated and “threatened no question of nationalism.”²⁰

Lord Curzon stated that Britain would be wise “...not to complicate the Palestine question by bringing in the Bedouins of the desert...who ought not to be associated with Palestine at all.”

²¹ More conservative heads prevailed and the prewar boundary remained.

The Eastern Border

The Zionists had hoped to secure both banks of the Jordan River and more in the Mandate. Weizmann referred to Transjordan as “one of the chief routes for raiding parties”²² and sought to include “all of Transjordan as far as the Arabian desert.”²³ In remarks with regard to Palestine’s eastern border, Lord Curzon noted that while “everybody wants to get out of the steaming Jordan Valley and on to the uplands beyond” this would have expanded Palestine beyond what it may have ever included reaching into “what would be regarded by the Arabs as

²⁰ Meinertzhagen, 257-58.

²¹ Lloyd-George, 1145.

²² Weizmann, Chaim, and Barnet Litvinoff. 1983. *The letters and papers of Chaim Weizmann. Series B, Vol. 1, Series B, Vol. 1*. New Brunswick, N.J.: Transaction Books, 376.

²³ Ibid, 289-90.

part of their domain.”²⁴ Eventually the eastern border would be set as the western bank of the Jordan River by Winston Churchill in one of his first acts as Colonial Secretary.²⁵

The Northern Border

According to David Lloyd George setting the northern boundary of the Mandate “occupied a good deal of time,”²⁶ but that the idea of a United Palestine was at the “forefront” of requests made to Clemenceau at the opening of the Paris Peace Conference and that Clemenceau had easily agreed.²⁷ Clemenceau agreed that an international regime “would almost certainly lead to trouble.”²⁸ The French Prime Minister also agreed that Great Britain would be the Mandatory Power of both Palestine and Mesopotamia, forgoing French claims to the region as outlined in the Sykes-Picot agreement. However, the two Prime Ministers’ agreement seems to have been purely verbal, and with the change in government in Paris the following year, Lloyd George had to negotiate the finer points of the Mandate with the Millerand Government. The new French government waged a “persistent fight”²⁹ to “treat the Sykes-Picot Agreement as if it had never been scrapped.”³⁰ The end result was that Palestine’s northern boundary took two years of negotiations between the French and British governments to establish.³¹

At Versailles the British sought to shift the border between Palestine and Lebanon North and East to incorporate the Litani River basin into Palestine for agricultural and industrial use. The British also recognized the importance of the Jordan, Yarmuk and Litani River basins as

²⁴ Lloyd- George, 1145.

²⁵ The Avalon Project : British White Paper of June 1922, accessed March 26, 2019, http://avalon.law.yale.edu/20th_century/brwh1922.asp.

²⁶ Lloyd-George, 1176.

²⁷ Ibid, 1155.

²⁸ Ibid, 1168-69.

²⁹ Ibid, 1155.

³⁰ Ibid, 1162

³¹ Mctague, 100-112.

well as the Sea of Galilee and sought control of these areas as well. They informed the French that they now defined Palestine as extending from “Dan to Beersheba” at Lloyd George’s insistence.³² Lloyd George proposed using the work of Professor George Adam Smith to work out the final border. Professor Smith was a Scottish theologian whose book, Lloyd George claimed, Allenby had used as a navigational aid during the invasion of Palestine. This book was the origin of the “Dan to Beersheba” line. The French pointed out that Professor Smith’s book showed that the Litani River had never been a part of Palestine but agreed that the Palestinians should have “the waters south of Dan.”³³ Lloyd George then suggested that the exact northern boundaries should be settled by the British Foreign Office and its French counterpart.³⁴

Lloyd George also faced opposition within his own government. In a meeting of the War Cabinet Eastern Committee, Lord Robert Cecil was pessimistic about the mandate for Palestine; “...we shall simply keep the peace between the Arabs and the Jews. We are not going to get anything out of it. Whoever goes there will have a poor time” and the Zionists would “likely quarrel with the protecting Powers.”³⁵ However, the war had proven that “Palestine is ... the strategic buffer of Egypt.”³⁶ In order for the new buffer state to exist, it needed as much of the fertile land to the north and as much of the Litani River’s watershed as possible. Lord Curzon, speaking for the Foreign Office remarked that Palestine must have the Baniyas and Litani River basins, effectively recovering Palestine’s “old boundaries.”³⁷

On May 23rd, 1919, the War Office informed General Allenby that as the northern border was being worked out between the British and French foreign services, his forces would be needed to strengthen the British negotiating hand. The new border, the War Office explained

³² Ibid.

³³ Lloyd-George, 1177-78.

³⁴ Ibid, 1181.

³⁵ Ibid, 1150.

³⁶ Ibid, 1153.

³⁷ Ibid, 1144.

should be: "...the length of the strategic...frontier of Egypt and advancing it..." while including the "...Hejaz railway south of Damascus and all the headwaters of the Jordan" and "Strong natural features such as Mount Hermon and ...the lower waters of the River Litani." In order to secure "potential railway, pipeline and air routes between Palestine and Mesopotamia via the Euphrates..." Allenby was ordered to station troops at what London considered a strategic strong point; the town of Palmyra.³⁸

General Allenby regarded Palmyra as too remote and indefensible to send British troops, and "...could have no military justification..." and could result in Arab hostility. He further noted that he had "...always been careful not to use troops for political purpose..." and would instead rely on the local sheikh to help the Royal Air Force establish a landing ground at Palmyra and have the sheikh guard it. Allenby promised to "push on the landing ground and arrange for visits by aeroplane." The general was opposed to separating Palestine from Syria because he foresaw serious "political danger and economic disadvantages" to the scheme. He further argued that the old Egyptian frontier did more to protect Suez than "any in Northern Palestine" could.³⁹

Allenby replied in a letter to General Wilson on 3 June, 1919: "It looks to me as if you are...settling the future of Syria [meaning Ottoman Syria] without reference to the will or wishes of its inhabitants." Regarding the Northern Border, Allenby argued "It will make no difference to the Arabs...the Arabs will accept neither line. Much better to let the French have all Syria, and do their own fighting."⁴⁰

In November of 1919, British forces under Lord Allenby withdrew to the mouth of the Litani river, which emptied into the Mediterranean to the north of Tyre. The French objected

³⁸ Matthew Hughes, *Allenby in Palestine* (Stroud: Sutton, 2004), 263

³⁹ *Ibid*, 268.

⁴⁰ *Ibid*, 272.

again citing the Sykes-Picot agreement, which clearly left Tyre to the French. This was also unacceptable to the Zionist Organization, which sought control of the entirety of these river basins. Allenby agreed to retreat further south to the Occupied Enemy Territory Administration (OETA) South line. OETA South included the *Sanjaqs* of Jerusalem, Nablus and Acre and had been set up as a wartime administrative unit for British Forces who were to act as the governing body of the region during the initial invasion of the region.⁴¹ OETA South's northern border began just south of Ras al-Nagum and extended east (following watersheds) to Lake Huleh. There the OETA border turned south, following the Jordan River. The new line ceded Banias (Dan) to the French but was still north of the Sykes-Picot Line and as such unacceptable to the French. The British insisted however and the new boundary, referred to as the Deauville Line⁴² served as the boundary until 1923.⁴³

Negotiations continued between Lord Curzon and Philippe Berthelot (Secretary General of the French Foreign Ministry) in December of 1919. Berthelot held to Sykes-Picot but was willing to grant Palestine water rights south of Mt. Hermon. Lord Curzon explained that Lloyd George was now publicly tied to a Palestine that stretched "from Dan to Beersheba." The French either did not understand this or didn't believe Lord Curzon and thus underestimated Lloyd George's religious zeal. The French also had already conceded Mosul and Palestine to the British. What incentive did they have to make additional concessions? Clemenceau had been able to negotiate initially, but his early grants of Mesopotamia and Jerusalem to the British soured French public opinion at home and interfered with his later ability to compromise. With Clemenceau's election defeat for the French Presidency, the new Millerand administration took a much harder line.⁴⁴

⁴¹ The OETA would continue to do so until the Mandate came into effect in 1922.

⁴² Named for the town in which Lloyd George had insisted on the Dan to Beersheba boundaries of ancient Palestine.

⁴³ Mctague, 100-112.

⁴⁴ Ibid.

After the elections of February of 1920, the French finally abandoned the Sykes-Picot Line, possibly due to an agreement between Curzon and Berthelot regarding French Oil Rights in Mesopotamia. But the French would not agree to a border, instead they dug in as French public opinion turned anti-British. The British negotiators initially sought to establish Palestine's northern frontier in a way that met Zionist aspirations, specifically by including the Yarmuk and Litani river basins as well as the Eastern coast of the Sea of Galilee. As negotiations went on, and it became apparent that the French could no longer afford to cede territory to the British, Lord Curzon shifted his stance to securing the waters of the Yarmuk and Litani rivers for irrigation, while allowing the French to maintain their territorial ambitions. The Zionists protested. British negotiators in Paris warned Lord Curzon that the French were being pushed too far. Public opinion in France had shifted against the British after Clemenceau's defeat and as a result, any further compromise could therefore cost a French politician his position, the whole Convention could potentially be scrapped, and the Sykes-Picot position would be the only point of agreement between the two parties. The French public began to regard the Zionist movement as a British plot to gain influence in the Middle East.

Unable to reach a compromise, Lloyd George finally abandoned Zionist ambitions for the Litani River in favor of negotiating for water rights for the Yarmuk and Upper Jordan River. A commission was set up to regulate the water use, this commission was composed of French, British and Zionist engineers. The resulting Paulet-Newcombe Agreement of March 1923 finally settled the borders cairn by cairn as well as the region's water rights.⁴⁵

Zionist Claims

At the Supreme Council in Paris, after warning that the situation in Eastern Europe had uprooted millions of Jews, the Zionist representatives described the post-war situation in dire

⁴⁵"Franco-British Agreement on Northern Border (Newcombe-Paulet Agreement) (1923) - English and French," accessed March 27, 2019, https://ecf.org.il/media_items/699.

terms. Hundreds of thousands of Jews would “wander” into Western Europe if given no other alternative. In stating their support for Palestine as the site of a future Jewish Homeland, Zionist representatives characterized the region as “not densely populated” with only 600,000-700,000 inhabitants and that it was possible to settle 4-5 million within Palestine “without in any way disturbing the population already situated there.”⁴⁶

The Zionists likened the idea of Palestine to “spiritual food” for which they possessed a “great need.” Weizmann plainly stated that “Zionism has assumed the task... of orientating the Jews towards Palestine.” They acknowledged that Palestine, through “failure of nature” or “fault of men” had “destroyed the previous prosperity of the Holy Land,” which could not now absorb such an influx.⁴⁷

The Zionists were convinced that Jewish immigration to Palestine on a massive scale was imminent regardless of the conditions in the region- “They may starve there but they will go.” They attributed this wave of immigration to eastern pogroms, Zionist efforts in the West and the Balfour Declaration, which they believed had raised expectations among the Jews of eastern Europe to the extent that “they have left all their belongings behind... they will not listen to us.”⁴⁸

The key difficulty the Zionist Organization faced at this point was purchasing land. Most of the arable land was already owned, if underdeveloped. They calculated that additionally “three-fourths of the available land,” that is unused land at the time, could be farmed to enable settlement. The Zionist calculations included investment in roads, railways and irrigation systems in order to develop what they called “wasteland.” They looked to the British to furnish them the right to purchase land or, failing that, they desired that the British “hand over

⁴⁶ Remarks made before the Supreme Council, Paris, 27 February, 1919, From Weizmann, 224.

⁴⁷ Ibid, 227-28.

⁴⁸ From the minutes of the fifth Zionist Advisory Committee, London, 10 May, 1919, From Weizmann, 240.

development” of the land to the Zionist Organization since the lawful inhabitants did not—to their minds- do enough to develop the land.⁴⁹

To Wisemann's way of thinking modern science and technology could do for Palestine what irrigation and infrastructure had done for the American southwest. For each settler working the land, a nation needed two men in the towns supporting him. These townsmen would include workmen (construction), businessmen, and professionals (doctors and lawyers), “all that goes to make a society.” The chief challenge as the Zionists saw it was how many people could be employed in public works, versus working the land. Irrigation and hydroelectric development were the keystone of the Zionist plans for Palestine. For these two essentials, they needed not only land, but rights to the region’s water.⁵⁰

The Zionist territorial claims included the arable land found east of the Jordan River and the headwaters of the Litani and Jordan rivers to the North, but there were no demands for territory to the south. As late as 1920, the Zionist Commission expected that the Jewish National Home would include “all of Transjordan as far as the Arabian desert.”⁵¹ Earlier they had intended for the explicit inclusion of land up to the Hejaz railway, but changed their plans when they realized that the British intended to retain far more for themselves than was allocated within the Sykes-Picot arrangement. They continued to hold out hope for the inclusion of Transjordan in the Mandate because in addition to the arable lands of the region, Transjordan was “one of the chief routes for raiding parties” of Bedouins.⁵²

Water was no doubt the primary motivator for these claims. It was necessary both for irrigation and the production of electricity, which any growing nation would need, however, including the headwaters of the Litani and Jordan River, would have extended the Mandate

⁴⁹ From an address to the EZF Conference. London, 21 September, 1919. From Weizmann, 258.

⁵⁰ Ibid, 262-64.

⁵¹ Minutes of the Zionist Commission, Jerusalem, 25 March, 1920, From Weizmann, 289-90.

⁵² Confidential Report to the Colonial Office, London, 15 February, 1923, From Weizmann, 376.

boundaries north, nearly to Beirut and Damascus as rainfall in these regions was the source for these rivers. The Zionists were able to play the British and French off each other in order to access these waters; in a statement to the Zionist Political Committee in London in March of 1921, Weizmann reported that the French were willing to cede land to the Palestinian Mandate in return for the Presidency of the International Commission, which would oversee the establishment of the religious rights and interests in Palestine. In return for Zionist support, Weizmann was able to secure access to the headwater of the Litani river and other territories in the north east of the region. He continued to regard his negotiations concerning Transjordan “unsatisfactory” and warned that the population of that region remained “restless and discontented.”⁵³

The Zionists also sought to organize themselves as much as possible within the confines of the Mandate, with the idea of eventually producing a state-within-a-state. They began early. In a 1919 meeting with General Clayton, Weizmann asked that, since the Jews were coming and would begin arriving soon, the Zionist Organization be allowed to seed Palestine with construction teams to set up housing.⁵⁴ He was rebuffed by General Allenby who felt that the Zionists often acted in haste and threatened to undermine their own program in their rush to facilitate migration into Palestine. He was accused by Weizman of being “unsympathetic...and—perhaps subconsciously—opposed to Zionism.” However the general continued to regard Weizmann's plans—in a letter to Lloyd George—as “bold and progressive.”⁵⁵ Weizmann's offer to establish a Jewish battalion and thereby alleviate some of Allenby's manpower needs was also rebuffed by the general; “I am strongly opposed,” he wrote to the War Office, “to any increase of Jewish troops...”; the arrival of which, he argued would “...lead to

⁵³ Minutes from the Zionist Political Committee; from Weizmann, 304.

⁵⁴ Weizmann, 247.

⁵⁵ Hughes, 296.

riots and widespread trouble with the Arabs.”⁵⁶ Allenby stalwartly refused to turn key facilities and operations over to the Zionists until the Mandate was established and a new, non-military administration relieved him of his duties in Palestine.

The Zionists also sought to control directly and organize the immigration policy of Palestine, acknowledging the need to do so responsibly. Weizmann cautioned that it was time to “...work as an army works...as an army of construction, to build up. In order to settle as many as possible as quickly as possible.”⁵⁷ In a confidential report to the British Foreign Office, Weizmann called for “generous and sympathetic treatment” towards Jewish aspirations for land and immigration, stating that these two goals were the key to “lightening the burden upon the British taxpayer.” Although again rebuffed, he argued that if immigration was allowed to continue unfettered, the situation could be improved enough that the British could disengage their forces and that the “police alone” could provide law and order in Palestine.⁵⁸

Arab Concerns

In searching for the origin and features of Palestinian identity, Kimmerling focuses on the dynamics and beliefs of peasants, urban workers, merchants and landowners as the social foundation which empowered and defined Palestinian Arab leadership. He believes that without Zionist pressures on the Arab population, such an identity likely would not have emerged. This is a mistake, a mandate identity no doubt would have emerged as it has in Jordan, which was not subject to the Zionist friendly provisions in its mandate.

Prior to the First World War, Haifa, Acre, Jaffa, Jerusalem and Nablus were the key Palestinian towns. Jerusalem and Nablus dominated the region in terms of population and production, with Jaffa being the key port. In the nineteenth century, British ships hardly stopped

⁵⁶ Ibid, 294-5.

⁵⁷ Address to Eastern Zionist Federation Conference, London 1919, From Weizmann, 260.

⁵⁸ Ibid, 379.

at Palestine's run down ports until improvements at Jaffa. Jaffa then became an important center of economic power as wealth shifted to the coast.⁵⁹ Palestinian towns were often divided by religion, some like Hebron were Muslim; others like Ramallah, were Christian. Each town had distinctive leading families. In Jerusalem, which had a substantial Jewish population that was in fact in the majority, these families included the Nashashibi, Khalidi, and Husseini clans. The most influential family—likely the largest landholders—appointed the religious notables called *Ulama*. Militias formed around these families and they used the mountainous landscape to frustrate full Ottoman control, eventually winning semi approval and acting as official tax collectors and government representatives.⁶⁰

These clans developed a region's identity by protecting the farmers from Bedouin predations and easing the effects of Ottoman oversight. In this way they gained the population's fear, influence and loyalty. Towns sometimes fought each other, allying with various other clans as needed and long lasting stand offs with one another were common. As long as the violence didn't get out of hand the Ottoman garrison would not intervene.⁶¹

Some families owed their strength to their association with the Ottomans; others derived theirs from resisting the Ottomans. Ruling families often competed with one another for tax-farmer positions given by Ottoman authorities. Ottoman authorities came to town once a year to collect these taxes and confirm the ruling families' relationship with the central government. In effect, no Ottoman governor had control of the Palestinian families, especially those in the mountainous inland areas.

The Ottoman Tanzimat reforms led to the establishment of town councils which were dominated by land owners and ulama enabled the elites to shape municipal life. The large

⁵⁹ Kimmerling, Baruch and Migdal, Joel S. *The Palestinian People A History* (Cambridge: Harvard University Press, 2009), 36-63.

⁶⁰ Ibid.

⁶¹ Ibid.

landholders, the *Ayan*, and *Ulama* were Muslim and mostly represented the major clans. In the towns the Ottomans turned over all financial and judicial affairs to these town councils and the council members used their power to compete with other councils for land and influence. The result was a system of competing and overlapping loyalties.⁶²

Newspaper articles in Palestine prior to WWI illustrate that in addition to clan loyalty a sense of nationalism—centered around Damascus—had developed among the Palestinian people during their time as subjects of the Ottoman empire. European ambitions for the region (Zionist settlements) provided a necessary foil or “other”⁶³ that aided the development of a national identity among the Palestinian Arabs.⁶⁴

Some Palestinian Arabs had protested Zionist land purchases as early as 1891 but they weren’t always in agreement. Landowners had argued with merchants over the merits of allowing Jewish migration. Merchants were unused to competition which the newcomers brought with them, while the landowners enjoyed the rise in land prices that the newcomers were willing to pay. In 1905 Negib Azoury—a leading Palestinian intellectual, whom the British would later exile to Iraq—wrote that Zionism and Palestinian identities were two “emerging...opposed” nationalisms that were “destined to confront each other continuously” because they represented “contradictory” ends.⁶⁵

During World War One Ottoman authorities had closed down newspapers published in Damascus and Jerusalem. As a result, from 1915-1918 all information about the outside world came from either the Ottomans or the British Military and was suspect. At war’s end the Palestinian Arabs found themselves occupied by the British Empire. The secret Sykes-Picot agreement had been published by Trotsky in Russia in November of 1917. The Balfour

⁶² Ibid.

⁶³ Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), 1-12.

⁶⁴ Ibid.

⁶⁵ *Le Reveil de la nation arabe dans l’Asie Turque* (Paris, 1905), p.v. found in Kimmerling, 79.

Declaration had also been published in Britain that November. As wartime restrictions and rumors gave way to facts found in the British press, the Palestinian Arabs realized that their occupiers had arranged for Syria to be divided and its southern regions handed over to Zionists for colonization.⁶⁶

This realization led to serious upheavals in Arab lives and necessitated rapid changes in the population's outlook. Without a unified educational system or press, the people of this region had to reimagine themselves as separate from Syria and also to see themselves and their rivals, the Zionists, as members of the same community. This could not happen quickly. From 1916-1918 wartime restrictions on the press limited their understanding of the outside world. However, in 1919 Allenby allowed the publication of *Suriyya al-Janubiyya* ("Southern Syria") to recommence in Jerusalem. It quickly became the most influential paper in the region. The articles were strongly in favor of Arab nationalism, focusing the popular imagination on Southern Syria as the center of Arab postwar identity and were fiercely anti-Zionist. One headline read "Warning! Warning!" The articles cautioned Arab leaders not to meet with Zionists. Southern Syria and Palestine were new ideas, but the newspaper had a great deal of traction with the public.

Palestine looked to Feisal's Syria as the best way to escape British and Zionist rule and sought to be included in the new Arab State. However, they looked in vain as Feisal needed British support for his Arab State. Feisal's father had only joined forces with the British after he became aware that the Ottoman Empire had planned to replace him. During Feisal's campaign against the Turks, Ibn Saud's forces had gained strength and had all but defeated his father. If the Palestinians had to be sacrificed, Feisal, to ensure some measure of Arab independence, was willing to do it. Feisal himself was an unwanted figure in Damascus, where the idea of Arab

⁶⁶ Khalidi, 146-62.

nationalism predated the Arabian prince's ambitions. Syrians saw Feisal as an opportunist who had not suffered as they had under Ottoman oppression. They had no wish to be saddled with a British puppet; they wanted to be free to exercise independence⁶⁷

After repeated warnings and violence *Suriyya al-Janubiyya* was shut down by the British authorities in April of 1920. The newspaper had adhered closely to the Arab nationalist politics of the 1st and 2nd Arab Congresses held in Damascus in 1919 and 1920.⁶⁸ However by August 1920 Feisal had been deposed by the French. This led one prominent Palestinian Arab to proclaim "Southern Syria no longer exists. We must defend Palestine."⁶⁹

Suriyya al-Janubiyya was replaced by a new newspaper *Al Sabah*. *Al Sabah* pledged itself to the 3rd and 4th Palestinian Arab Congress and resistance to Zionism. *Al Sabah* was instrumental in establishing a Palestinian identity that was linked to Palestine via the mandatory borders and anti-Zionism.⁷⁰

While members of the First and Second Arab Congress had represented a broad scope of the Syrian population, the Third Arab Congress—held in Haifa in December of 1920—was made up primarily of members of the Palestinian Muslim-Christian Association. In fact the group was composed of members of Jerusalem's prominent families: the Husseini, Khalidi and Nashashibi clans. These families wanted to maintain the positions they had secured under Ottoman rule. They recognized that British rule could secure these positions, and as such they were eager to work with the British and even competed with each other for opportunities to cooperate with the new rulers. As a result, the influence of the Jerusalem clans was extended across Palestine. The leadership of the third and fourth Arab Congress was composed of prominent figures from these families, such as the President of the Third Congress, who had

⁶⁷ Fromkin, 186-87.

⁶⁸ Khalidi, 162-63.

⁶⁹ Cited in Kimmerling, 81.

⁷⁰ Khalidi, 162-65.

served as Jerusalem's mayor under the Ottomans. The British, seeking to fill the void in religious leadership left by the collapse of the Ottoman empire, appointed Kamil Al-Husseini (President of the Third Arab Congress) as "Grand Mufti of Jerusalem". The "Grand Mufti" was a British invention, charged with administering Muslim Law within Palestine. When Al-Husseini died the Nashashibi, Khalidi and Husseini clans squabbled over the position, weakening Palestinian unity. Eventually the British settled on Haj Amin al-Husseini as successor and also appointed him President of the Supreme Muslim Council with authority over all religious endowments, the *Waqfs*.

The 1921 Palestinian Delegation to London was similarly composed of these clansmen. In the meanwhile, Winston Churchill had been appointed Colonial Secretary by David Lloyd George. Churchill's goals were to cut costs for the Colonial Office while demonstrating that the United Kingdom kept her promises. One of these promises was the Balfour Declaration. In their meetings with Churchill, the Palestinian Delegation maintained their anti-Zionist positions and reiterated the demands of the Third Arab Congress:

1. Public recognition of Palestine by the League of Nations,
2. Total rejection of any political or moral right the Zionists had to Palestine,
3. The British to halt the transfer of public land to Jewish entities,
4. Closing Palestine to Jewish immigration,
5. Recognition of the Arab Executive Committee as the legitimate representative of the Palestinian population, and
6. Nullification of the Balfour Declaration.⁷¹

The Delegation and Churchill met several times, but their meetings did not go well. Churchill in his role as Colonial Secretary was determined to execute the Balfour Declaration.

⁷¹ Kimmerling, 81-82

He complained that the Palestinians merely repeated themselves in meetings. In fact the two sides were talking past one another- the Palestinians possibly imagining themselves speaking to a decision maker, while Churchill regarded himself an official charged with executing established policy.

Churchill's determination to see the Balfour Declaration implemented is in keeping with the Foreign Office's established view. In 1918, the Foreign Office's Political Intelligence Department had circulated a memorandum regarding the settlement for Turkey and the Arabian Peninsula. This unsigned memorandum stated that "the problem of Palestine cannot be solved entirely on the principles of self determination...the Jewish colonists, which, for special reasons, will be entitled to a position more than mathematically proportionate to its numbers..." because of "international religious interests so important, and so difficult to reconcile, that they almost overshadow the...native inhabitants..." As a result: "the desires of the inhabitants...will have...to take second place." This was because the Mandatory power would be accountable to international opinion and the memo warned "where local and international interests conflict, the former may often have to give way." This same memo predicted that the Zionists would also request that the lands east of the Jordan River be included in the mandate, but advised that since the Zionists had no colonies there and that international pressure to include this area was negligible, the inhabitants "clearly manifested" desires not to be included could be accommodated.⁷²

Meanwhile the new Grand Mufti Amin al-Husseini, placed Islam in direct opposition to Zionism, but the British tolerated him because he was effective at maintaining the peace. The "Grand Mufti" also established curricular control over all Palestinian Arab schools and placed supporters in key positions throughout Palestine, often in ways that undermined his clan's rivals.

⁷² Kenneth Bourne, Donald Cameron Watt, and George Philip, *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print* (Frederick, MD: University Publications of America, 1991), 72-73.

⁷³ Under his authority, the Palestinians had someone to represent them to the British, but only in religious matters. It was the lack of an established local Arab political organization in Palestine that ultimately led to weakness in negotiating concessions from the British.

Before the unsatisfactory meeting with the Palestinian Arab delegation, Churchill had convened the Cairo Conference in March of 1921. At the Cairo Conference, he gathered Britain's Military and Civilian Administrators to correct what was seen as inconsistencies in the McMahon-Hussein letters, Sykes-Picot Agreement and the Balfour Declaration. No Arab leaders were invited to attend but Feisal's brother Abdullah was asked to become the governor of Transjordan. With his appointment Transjordan was excluded from the Palestinian Mandate.

Churchill's failure to reach an agreement with the Arab Delegation in August must have given him pause; when he issued his White Paper in June of the next year his support for the Balfour Declaration had considerably softened. In the White Paper Churchill assured the Arab Palestinians that any notion of an independent Jewish State was based on "exaggerated interpretations" of the Balfour Declaration. He called such a state "impractical" and assured the Arabs that Palestine would not become a Jewish state; instead a Jewish Homeland would be created within Palestine. He further stated that the Palestine Zionist Executive "does not possess" any share of the the Mandate's administration, and would only be consulted in measures that "affected the Jewish population." However, he stood firm on the matter of Jewish immigration and by the Balfour Declaration; in principle and when the final Mandate was adopted by the League of Nations in 1922, it included some but not all of Churchill's alterations.

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⁷³ Kimmerling, 82-86.

⁷⁴ British White Paper of June 1922, The Avalon Project http://avalon.law.yale.edu/20th_century/brwh1922.asp Accessed on 22 March, 2019.

Terms of the Mandate

The Palestinian Mandate authorized the British Government to put the Balfour Declaration “into effect” within Palestine, creating “a national home for the Jewish people.”⁷⁵ The British Government was concerned that turning Palestine over to a Zionist government would cause riots throughout the Muslim world. There was also no reason to believe that the Zionists were up to the task. Nevertheless, the mandate instructed the British Government to encourage “the development of self-governing institutions”⁷⁶ and “local autonomy.”⁷⁷ Therefore the Zionist Organization was recognized as a “public body” responsible for advising the Administration of Palestine in economic and social matters and to “take part in the development of the country.”⁷⁸ The Mandate thus secured the Zionists’ ability to organize a state within a state.

The Zionist Organization was entrusted with encouraging “close settlement by Jews on the land, including State lands and waste lands.”⁷⁹ This was a victory for Weizmann who had personally submitted a proposal to the Peace Conference to have the British Colonial Office declare all land—including wastelands—without “definite” title, available to be turned over for Jewish colonization as well as all Ottoman “government lands.”⁸⁰ He was at times very blunt, calling for the British to “hand over the development to us;” anything else, he argued was “nonsense.”⁸¹

Jewish immigrants were placed on a fast track for citizenship as the mandate required that the Administration of Palestine enact a nationality law “framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in

⁷⁵ “The Palestinian Mandate,” The Avalon Project : The Palestine Mandate, Preamble, accessed March 12, 2019, http://avalon.law.yale.edu/20th_century/palmanda.asp.

⁷⁶ Ibid, Article 2.

⁷⁷ Ibid, Article 3.

⁷⁸ Ibid, Article 4.

⁷⁹ Ibid, Article 6.

⁸⁰ Weizmann, 242.

⁸¹ Ibid, 258.

Palestine.”⁸² No length of residence was specified, nor was there any requirement for service, employment or language proficiency. The Mandate ensured that no one would be discriminated against on the grounds of race, religion, or language and each community would retain the right to maintain their own schools and to educate its own members in its own language.⁸³

Furthermore, English, Arabic and Hebrew were designated the official languages of Palestine.

The Palestinian Administration was charged with the development of the country while safeguarding the interests of the “community” in providing 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.” But the Administration could make arrangements with the Zionist Organization to care for the natural resources, public works and utilities.⁸⁴ Weizmann had proposed this at the Paris Peace Conference during the fifth meeting of the Zionist Advisory Committee in 1919.⁸⁵

The Arabs of Palestine had made their concerns known to the British through their Delegation to London in 1921⁸⁶, but the Mandate either brushed them aside or at best partially addressed their anxieties. While the Arabs were assured of their religious freedoms and the right to maintain their own schools, an Arab Palestine was not recognized by the League of Nations and the Arab Executive Committee, which had developed out of the Third Arab Conference at Jaffa and had sent the delegation to London, was not recognized as the legitimate representative of the Palestinian population. Instead the Zionist Executive took that role, although Churchill stated in his White Paper published six months previously that the Zionist Executive would *not* have authority outside the Jewish population of Palestine.

⁸² Palestinian Mandate, Article 7.

⁸³ Ibid, Article 15.

⁸⁴ Ibid, Article 11.

⁸⁵ Weizmann, 242.

⁸⁶ Kimmerling, 84-89.

The Arab population's demands for a total rejection of the Balfour Declaration and of the Zionists' moral or political rights to the Palestinian territory were completely ignored; the Balfour Declaration was upheld wholecloth in the Mandate's Preamble. Likewise the call for the British to halt the transfer of public land to Jewish entities was ignored by Article Six. The Arab Delegation's call to halt Jewish immigration was partially dealt with, but from the point of view of the Delegation in an unsatisfactory way. While the Mandate called for the Zionist Organization to be the administrative body to "facilitate" Jewish immigration, it was advised to do so only "under suitable conditions."⁸⁷ This was because the British Foreign Service's Palestine Office had complained of Zionist unemployment in the region.⁸⁸ While seeking to control immigration policy to Palestine, Weizmann had been forced to acknowledge the need to do so responsibly. He cautioned that it was time to "...work as an army works...as an army of construction, to build up. In order to settle as many as possible as quickly as possible"⁸⁹ while acting "as a sieve" to discourage the indigent from settling in the region.⁹⁰

At first glance it may seem that the Articles concerning the Holy Sites and religious freedoms within the Mandate were in response to the concerns of the Palestinian Arabs. David Lloyd George assures us, however, that they are not. Instead he reveals in his memoirs that these articles were included in order to satisfy the demands of the French and Italian governments. While the Ottomans controlled the region, the threat of French military force had ensured that religious pilgrimages continued unmolested. The French and Italian delegates had insisted on including language in the Mandate that would ensure that Catholic pilgrims would continue to have access to the Holy Sites of Jerusalem.⁹¹

⁸⁷ Palestinian Mandate, Article 6.

⁸⁸ Weizmann, 356-57.

⁸⁹ Ibid, 260.

⁹⁰ Ibid, 238-40.

⁹¹ Lloyd George, 1182-1194.

The Mandate does not fulfill all of the Zionist territorial ambitions. In fact, aside from Article 25 affirming that the “territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined” would not be included in the Mandate, boundaries are absent from the document. Article 25 made the Jordan River Palestine’s eastern boundary by default. In fact a few months later on September 23rd, a separate mandate was given to the British- that of Trans-Jordan. This was a point of frustration for Weizmann who had expected that the Jewish National Home would include “all of Transjordan as far as the Arabian desert.”⁹² He continuously referred to Transjordan as “the chief routes for raiding parties.”⁹³ and warned that the population of that region remained “restless and discontented.”⁹⁴ Weizmann—ever regarding immigration as a panacea—suggested to his fellow Zionists that further settlement activity towards the east would make the British open to alteration of the Mandate, especially “when Cisjordania is so full that it overflows to Transjordania.”⁹⁵

Conclusion

This paper has examined the establishment of the Palestinian Mandate. The mandate is an outcome of World War One and a result of British imperial desires, the need to address French claims, and ideological sympathy for the Zionist cause. The paper also examined Zionist goals and the Palestinian Arab opposition to them in the creation of the Mandate. Of key interest were the politics of the Palestinian Arabs and the Zionist aims regarding the Mandate’s borders, immigration to Palestine, and establishing the conditions for a viable Jewish homeland to evolve within the Mandate. Churchill’s last minute changes reflected the need to satisfy not only the Arab and Zionist claims, but international opinion as well. Had he not separated

⁹² Weizmann, 289-90.

⁹³ Ibid, 376.

⁹⁴ Ibid, 304.

⁹⁵ Ibid, 329.

Transjordan from the mandate or backed away from a strict interpretation of the Balfour Declaration it is unlikely that the Mandate would have lasted without a large and expensive military occupation of the territory. Churchill's pragmatism reflected the more conservative thinking of the British Military and Foreign Office.

Finally this paper raises a series of crucial questions about the future development of the Mandate; What led the leaders of Britain and the Zionist cause to believe that they could transmute deserts and swampland into farmland decades before the 20th century Agricultural Revolution? Would a less confrontational policy by the Arabs have served their long-term interests better? What would it have taken to build a Palestine that included a Jewish homeland while at the same time attracted Arab participation in a jointly administered state? Did the terms of the Mandate allow for the possibility of Arab participation in the development of Palestine or did the terms preclude this possibility?

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Appendixes

The Sykes-Picot Agreement⁹⁶

It is accordingly understood between the French and British governments: One

That France and Great Britain are prepared to recognize and protect an independent Arab states or a confederation of Arab states (a) and (b) marked on the annexed map, under the suzerainty of an Arab chief.

That in area (a) France, and in area (b) Great Britain, shall have priority of right of enterprise and local loans. That in area (a) France, and in area (b) Great Britain, shall alone supply advisers or foreign functionaries at the request of the Arab state or confederation of Arab states.

Two

That in the blue area France, and in the red area Great Britain, shall be allowed to establish such direct or indirect administration or control as they desire and as they may think fit to arrange with the Arab state or confederation of Arab states.

Three

That in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other allies, and the representatives of the sheriff of Mecca.

Four

That Great Britain be accorded (1) the ports of Haifa and Acre, (2) guarantee of a given supply of water from the Tigris and Euphrates in area (a) for area (b). His majesty's government, on their part, undertake that they will at no time enter into negotiations for the cession of Cyprus to any third power without the previous consent of the French government.

Five

That Alexandretta shall be a free port as regards the trade of the British empire, and that there shall be no discrimination in port charges or facilities as regards British shipping and British goods; that there shall be freedom of transit for British goods through Alexandretta and by railway through the blue area, or (b) area, or area (a); and there shall be no discrimination, direct or indirect, against British goods on any railway or against British goods or ships at any port serving the areas mentioned.

That Haifa shall be a free port as regards the trade of France, her dominions and protectorates, and there shall be no discrimination in port charges or facilities as regards French shipping and French goods.

There shall be freedom of transit for French goods through Haifa and by the British railway through the brown area, whether those goods are intended for or originate in the blue area, area

⁹⁶ "Sykes-Picot Agreement - Retyped Text - English (1916)," Sykes-Picot Agreement - Retyped Text - English (1916), accessed March 27, 2019, https://ecf.org.il/media_items/853.

(a), or area (b), and there shall be no discrimination, direct or indirect, against French goods on any railway, or against French goods or ships at any port serving the areas mentioned.

Six

That in area (a) the Baghdad railway shall not be extended southwards beyond Mosul, and in area

(b) northwards beyond Samarra, until a railway connecting Baghdad and Aleppo via the Euphrates valley has been completed, and then only with the concurrence of the two governments.

Seven

That Great Britain has the right to build, administer, and be sole owner of a railway connecting Haifa with area (b), and shall have a perpetual right to transport troops along such a line at all times. It is to be understood by both governments that this railway is to facilitate the connection of Baghdad with Haifa by rail, and it is further understood that, if the engineering difficulties and expense entailed by keeping this connecting line in the brown area only make the project unfeasible, that the French government shall be prepared to consider that the line in question may also traverse the Polgon Baniyas Keis Marib Salkhad tell Otsda Mesmie before reaching area (b).

Eight

For a period of twenty years the existing Turkish customs tariff shall remain in force throughout the whole of the blue and red areas, as well as in areas (a) and (b), and no increase in the rates of duty or conversions from ad valorem to specific rates shall be made except by agreement between the two powers.

There shall be no interior customs barriers between any of the above mentioned areas. The customs duties leviable on goods destined for the interior shall be collected at the port of entry and handed over to the administration of the area of destination.

Nine

It shall be agreed that the French government will at no time enter into any negotiations for the cession of their rights and will not cede such rights in the blue area to any third power, except the Arab state or confederation of Arab states, without the previous agreement of His Majesty's government, who, on their part, will give a similar undertaking to the French government regarding the red area.

Ten

The British and French government, as the protectors of the Arab state, shall agree that they will not themselves acquire and will not consent to a third power acquiring territorial possessions in the Arabian peninsula, nor consent to a third power installing a naval base either on the east coast, or on the islands, of the red sea. This, however, shall not prevent such adjustment of the Aden frontier as may be necessary in consequence of recent Turkish aggression.

Eleven

The negotiations with the Arabs as to the boundaries of the Arab states shall be continued through the same channel as heretofore on behalf of the two powers.

Twelve

It is agreed that measures to control the importation of arms into the Arab territories will be considered by the two governments.

I have further the honour to state that, in order to make the agreement complete, His Majesty's government are proposing to the Russian government to exchange notes analogous to those exchanged by the latter and your Excellency's government on the 26th April last.

Copies of these notes will be communicated to your Excellency as soon as exchanged. I would also venture to remind your Excellency that the conclusion of the present agreement raises, for practical consideration, the question of claims of Italy to a share in any partition or rearrangement of Turkey in Asia, as formulated in Article 9 of the agreement of the 26th April, 1915, between Italy and the allies.

His Majesty's government further consider that the Japanese government should be informed of the arrangements now concluded.

Balfour Declaration 1917⁹⁷

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

⁹⁷ "Balfour Declaration - Retyped Text - English (1917)," Balfour Declaration - Retyped Text - English (1917), , accessed March 27, 2019, https://ecf.org.il/media_items/298.

British White Paper of June 1922⁹⁸

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 [Sir Herbert Samuel] the following statement has been drawn up. It summarizes 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 the United Kingdom, 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 [Balfour] Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on 2nd November, 1917.

Unauthorized 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 the United Kingdom 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 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 a meeting of the Zionist Congress, the supreme governing body of the Zionist Organization, 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 Organization 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,

⁹⁸ The Avalon Project : British White Paper of June 1922, , accessed March 27, 2019, http://avalon.law.yale.edu/20th_century/brwh1922.asp.

and contemplates that the organization 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, reaffirmed by the Conference of the Principle 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 80,000, 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 organizations, 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 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 the 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 recognized 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 fulfilment 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 a burden 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 be 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 to 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 Sharif of Mecca, now King Hussein of the Kingdom of the Hejaz. That letter 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. Henry 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 the 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 the opinion that before a further measure of self government 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 (Waqfs), and of the Moslem religious Courts. To this Council the Administration has also voluntarily restored considerable revenues derived from ancient endowments which have been sequestered 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 cooperation 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.

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 a spirit of cooperation upon which the future progress and prosperity of the Holy Land must largely depend.

The Palestine Mandate⁹⁹

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 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 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.

ART. 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

⁹⁹ The Avalon Project, Yale Law School; http://avalon.law.yale.edu/20th_century/palmanda.asp

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.

ART. 3.

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

ART. 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 organization, so long as its organization 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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 reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ART. 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.

ART. 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.

ART. 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 utilised by it for the benefit of the country in a manner approved by the Administration.

ART. 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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 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 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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 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 authorised 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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.

ART. 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.

ART. 27.

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

ART. 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 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 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.

Maps



The Geography department, The Hebrew University of Jerusalem.

Administrative division under Ottoman rule
between the years 1864 - 1871

Figure 1: Ottoman Levant (Green Olive Tours: "Ottoman Palestine Map 1864-1871." Green Olive Tours-Israel-Palestine-Alternative Tours-Culture-Politics. Accessed March 27, 2019. <https://www.toursinenglish.com/2007/01/ottoman-palestine-map.html>.)

The Sykes-Picot Agreement

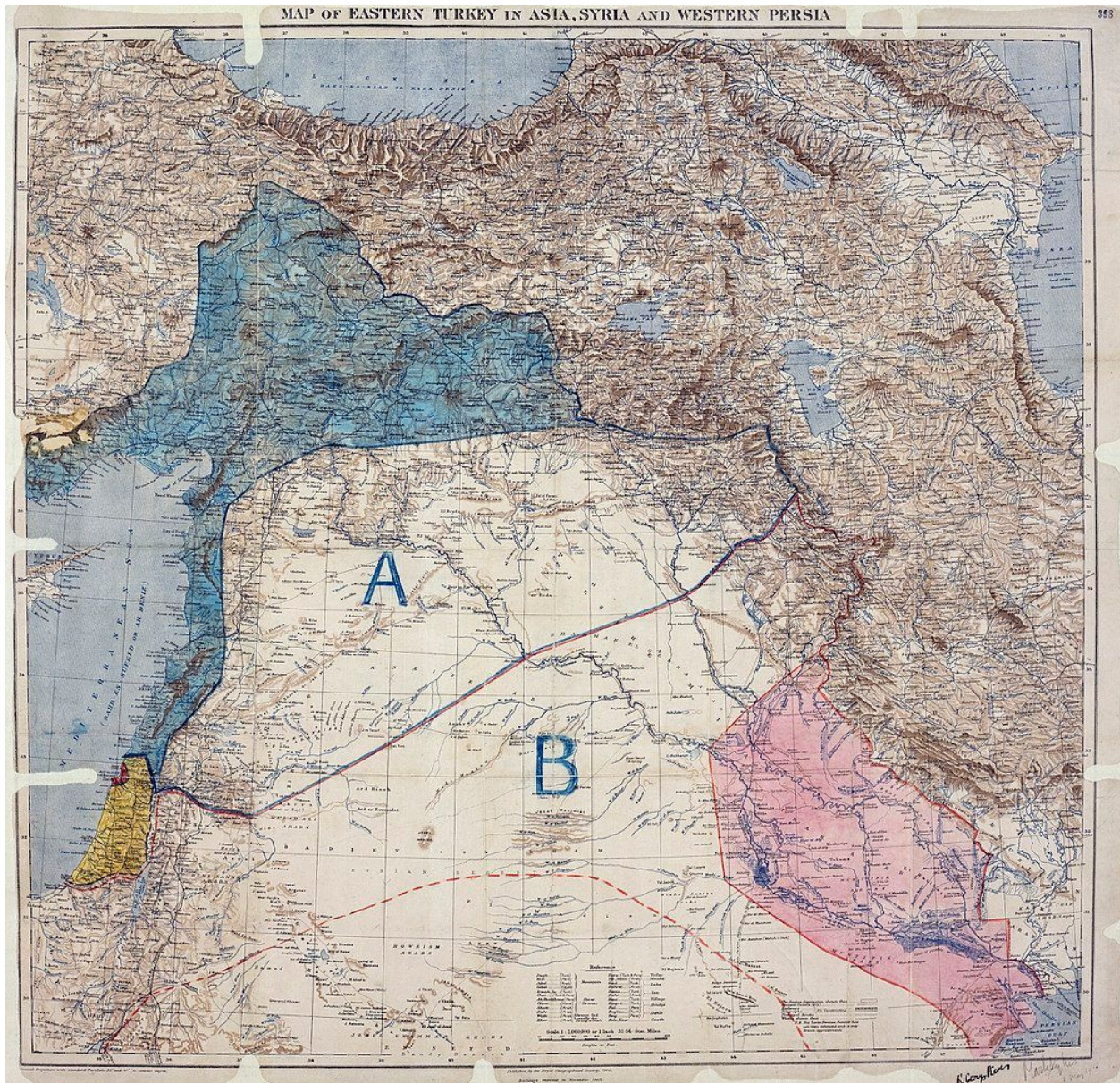


Figure 2: The Sykes-Picot Agreement (ECF.org: "Sykes-Picot Agreement - Retyped Text - English (1916)."
Sykes-Picot Agreement - Retyped Text - English (1916). Accessed March 27, 2019.
[https://ecf.org.il/media_items/853.](https://ecf.org.il/media_items/853))

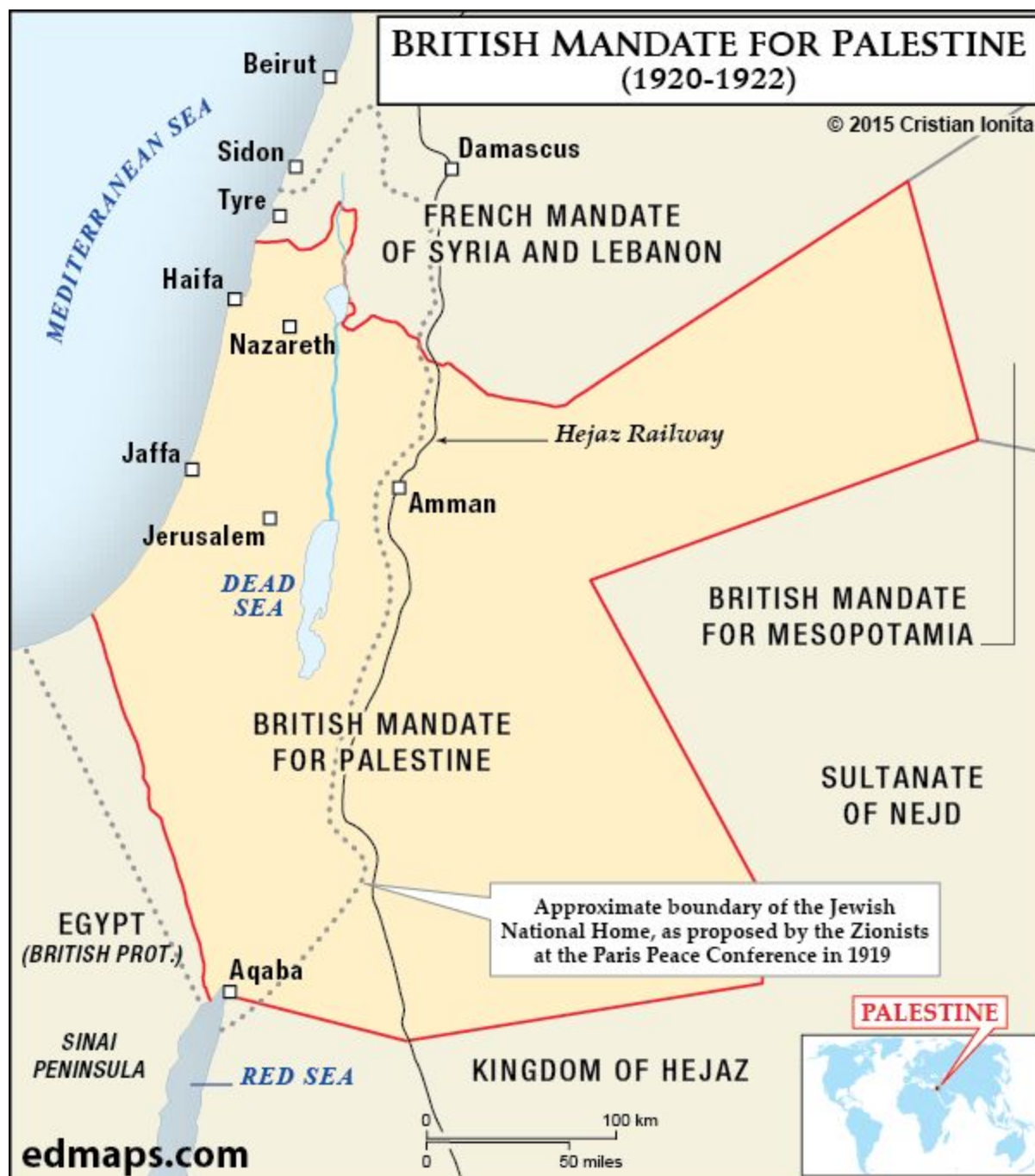


Figure 3: British Mandate for Palestine 1920-1922 (Palestinian Conflict in Ten Maps: Ionita, Cristian. "Palestine: From Balfour to Netanyahu." Palestinian Conflict in Ten Maps. Accessed March 27, 2019. https://www.edmaps.com/html/palestine_in_ten_maps.html.)

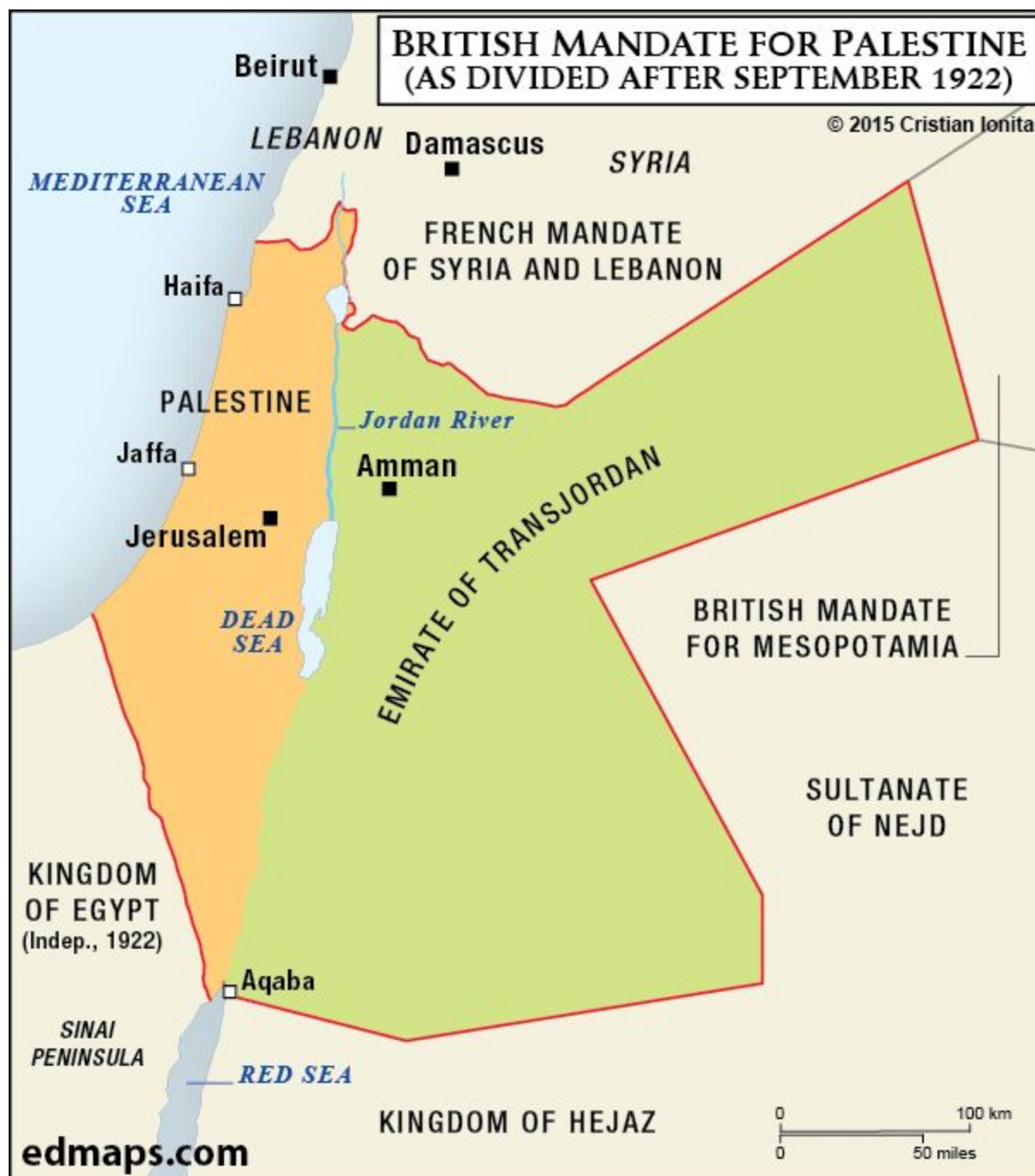


Figure 4: British Mandate for Palestine 1922 (Palestinian Conflict in Ten Maps: Ionita, Cristian. "Palestine: From Balfour to Netanyahu." Palestinian Conflict in Ten Maps. Accessed March 27, 2019. https://www.edmaps.com/html/palestine_in_ten_maps.html.)