UNDERSTANDING THE MANDATE FOR PALESTINE

PREAMBLE

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

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PREAMBLE

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Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national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

PREAMBLE

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

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ARTICLE 1.-3

- 1. The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.
- 2. The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.
- 3. The Mandatory shall, so far as circumstances permit, encourage local autonomy.

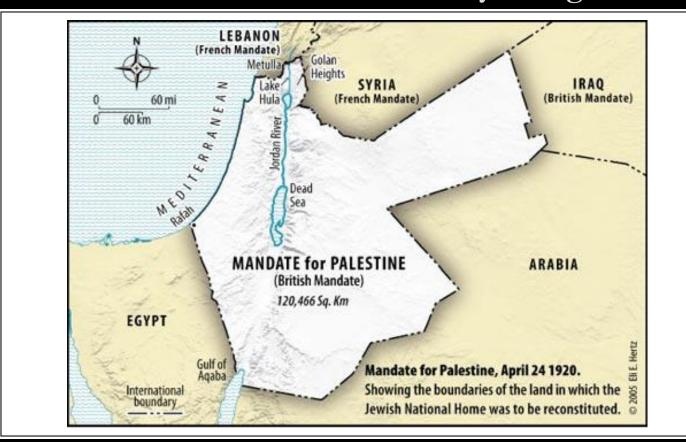
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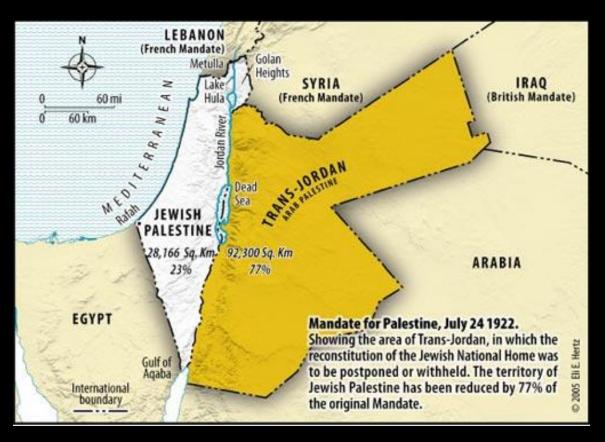
An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration to assist and take part in the development of the country.

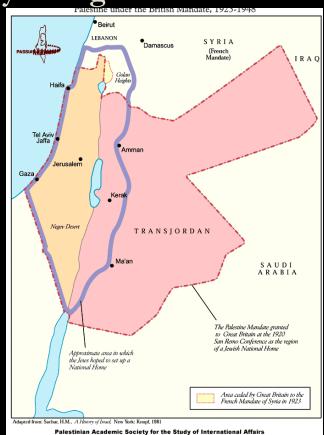
The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

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.



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- 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.
- 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.

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.

HAMAS CHARTER ARTICLE 11

The Islamic Resistance Movement believes that the land of Palestine has been an Islamic Waqf throughout the generations and until the Day of Resurrection, no one can renounce it or part of it, or abandon it or part of it. No Arab country nor the aggregate of all Arab countries, and no Arab King or President nor all of them in the aggregate, have that right, nor has that right any organization or the aggregate of all organizations, be they Palestinian or Arab, because Palestine is an Islamic Waqf throughout all generations and to the Day of Resurrection. Who can presume to speak for all Islamic Generations to the Day of Resurrection? This is the status [of the land] in Islamic Shari'a, and it is similar to all lands conquered by Islam by force, and made thereby Waqf lands upon their conquest, for all generations of Muslims until the Day of Resurrection. This [norm] has prevailed since the commanders of the Muslim armies completed the conquest of Syria and Iraq, and they asked the Caliph of Muslims, 'Umar Ibn al-Khattab, for his view of the conquered land, whether it should be partitioned between the troops or left in the possession of its population, or otherwise. Following discussions and consultations between the Caliph of Islam, 'Umar Ibn al-Khattab, and the Companions of the Messenger of Allah, be peace and prayer upon him, they decided that the land should remain in the hands of its owners to benefit from it and from its wealth; but the control of the land and the land itself ought to be endowed as a Waqf [in perpetuity] for all generations of Muslims until the Day of Resurrection. The ownership of the land by its owners is only one of usufruct, and this Waqf will endure as long as Heaven and earth last. Any demarche in violation of this law of Islam, with regard to Palestine, is baseless and reflects on its perpetrators.

ARTICLE 13-15

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, ...

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 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...

The right of each community to maintain its own schools for the education...

THE STATUS QUO IN THE HOLY PLACES BY L. G. A. CUST, FORMERLY DISTRICT OFFICER, JERUSALEM. 1929

The Wailing or Western Wall, so termed from the custom of the Jews to pray there especially on Sabbaths and other Holy Days, is situated at the southwest corner of the Temple Area. In Arabic it is known as "Al Burak," and in Hebrew as "Hakotel Hama' Aravi."

The Wall is undoubtedly one of the oldest antiquities remaining above ground in the Holy City, and (as regards its lowest strata) is generally accepted to be part of the western temenos wall of the Third Temple built by Herod the Great.

Of the extent of the Wall that is visible a short length lies within the enclosures of private houses to the north and the south of the Wailing Wall proper. From within the Temple Area, the arches of a great gateway can be seen on the interior face of the Wall, some way below the present ground level.*

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.