

N<sup>o</sup> officiel : **C. P. M. 466.**

[C. 529. M. 314. 1922. VI.]  
[C. 667. M. 396. 1922. VI.]

Genève, le 2 septembre 1926.

SOCIETE DES NATIONS

**MANDAT POUR LA PALESTINE**

ET MEMORANDUM DU GOUVERNEMENT BRITANNIQUE RELATIF  
A L'APPLICATION DE CE MANDAT A LA TRANSJORDANIE,  
APPROUVE PAR LE CONSEIL DE LA SOCIETE DES NATIONS  
LE 16 SEPTEMBRE 1922.

LEAGUE OF NATIONS

**MANDATE FOR PALESTINE**

AND MEMORANDUM BY THE BRITISH GOVERNMENT RELATING  
TO ITS APPLICATION TO TRANSJORDAN,  
APPROVED BY THE COUNCIL OF THE LEAGUE OF NATIONS  
ON SEPTEMBER 16TH, 1922.

## MANDATE FOR PALESTINE.

The Council of the League of Nations:

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

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

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

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

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

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

Confirming the said mandate, defines its terms as follows:

### *Article 1.*

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

### *Article 2.*

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

### *Article 3.*

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

### *Article 4.*

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

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

*Article 5.*

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

*Article 6.*

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

*Article 7.*

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

*Article 8.*

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

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

*Article 9.*

Le Mandataire assumera la responsabilité de veiller à l'institution en Palestine d'un système judiciaire assurant, tant aux étrangers qu'aux indigènes, la garantie complète de leurs droits.

Le respect du statut personnel des diverses populations et communautés et de leurs intérêts d'ordre religieux sera entièrement garanti. En particulier, le Mandataire exercera le contrôle de l'administration des Wakoufs, en parfaite conformité avec les lois religieuses et la volonté des fondateurs.

*Article 10.*

En attendant la conclusion de conventions spéciales d'extradition, les traités d'extradition en vigueur entre le Mandataire et d'autres Puissances étrangères seront appliqués à la Palestine.

*Article 11.*

L'Administration de la Palestine prendra toutes mesures nécessaires pour sauvegarder les intérêts de la communauté concernant le développement du pays et, sous réserve des obligations internationales acceptées par le Mandataire, elle aura pleins pouvoirs pour décider quant à la propriété ou au contrôle public de toutes les ressources naturelles du pays, ou des travaux et services d'utilité publique déjà établis ou à y établir. Elle introduira un régime agraire adapté aux besoins du pays, en ayant égard, entre autres choses, aux avantages qu'il pourrait y avoir à encourager la colonisation intense et la culture intensive de la terre.

L'Administration pourra, dans la mesure où elle n'agira pas directement, s'entendre avec l'organisme juif mentionné à l'article 4, pour effectuer ou exploiter, dans des conditions justes et équitables, tous travaux et services d'utilité publique et pour développer toutes les ressources naturelles du pays. Dans ces accords, il sera entendu qu'aucun des bénéfices distribués directement ou indirectement par cet organisme ne devra dépasser un taux raisonnable d'intérêt sur le capital et que tout excédent de bénéfice sera utilisé par lui au profit du pays et d'une manière approuvée par l'Administration.

*Article 12.*

Les relations extérieures de la Palestine ainsi que la délivrance des exequatur aux consuls des Puissances étrangères, seront du ressort du Mandataire. Le Mandataire aura aussi le droit d'étendre sa protection diplomatique et consulaire aux ressortissants de la Palestine se trouvant hors des limites de ce territoire.

*Article 13.*

Tout en maintenant l'ordre et la bienséance publics, le Mandataire assume toute responsabilité au sujet des Lieux Saints, des édifices et des sites religieux en Palestine, y compris celle de préserver les droits existants, d'assurer le libre accès des Lieux Saints, des édifices et des sites religieux et le libre exercice du culte. Il ne sera responsable, pour toutes les questions qui s'y réfèrent, que vis-à-vis de la Société des Nations, étant entendu que rien dans cet article n'empêchera le Mandataire de faire avec l'Administration tel arrangement qu'il jugera nécessaire, en vue d'exécuter

with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

*Article 14.*

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

*Article 15.*

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

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

*Article 16.*

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

*Article 17.*

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

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

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

*Article 18.*

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

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

*Article 19.*

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

*Article 20.*

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

*Article 21.*

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the 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 P.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 authorisation 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)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

*Article 22.*

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

*Article 23.*

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

*Article 24.*

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

*Article 25.*

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

*Article 26.*

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

*Article 27.*

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

*Article 28.*

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully 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, on thousand nine hundred and twenty-two.

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ARTICLE 25 OF THE PALESTINE MANDATE.

MEMORANDUM BY THE BRITISH REPRESENTATIVE.

*Approved by the Council on September 16th, 1922.*<sup>1</sup>

Article 25 of the Mandate for Palestine provides as follows:

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

2. In pursuance of the provisions of this article, His Majesty's Government invite the Council to pass the following resolution:

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Transjordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk: thence up the centre of that river to the Syrian frontier."

*Preamble* — Recitals 2 and 3.

*Article 2.* The words "placing the country under such political administration and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the Preamble, and".

*Article 4.*

*Article 6.*

*Article 7.* The sentence "there shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine".

*Article 11.* The second sentence of the first paragraph and the second paragraph.

*Article 13.*

*Article 14.*

*Article 22.*

*Article 23.*

In the application of the Mandate to Transjordan, the action which, in Palestine, is taken by the Administration of the latter country will be taken by the Administration of Transjordan under the general supervision of the Mandatory.

3. His Majesty's Government accept full responsibility as Mandatory for Transjordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the Mandate shall be in no way inconsistent with those provisions of the Mandate which are not by this resolution declared inapplicable.

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<sup>1</sup> See Minutes of the Twenty-first Session of the Council, *Official Journal*, November 1922, page 1188.