

Marking the Centenary of the Mandate for Palestine



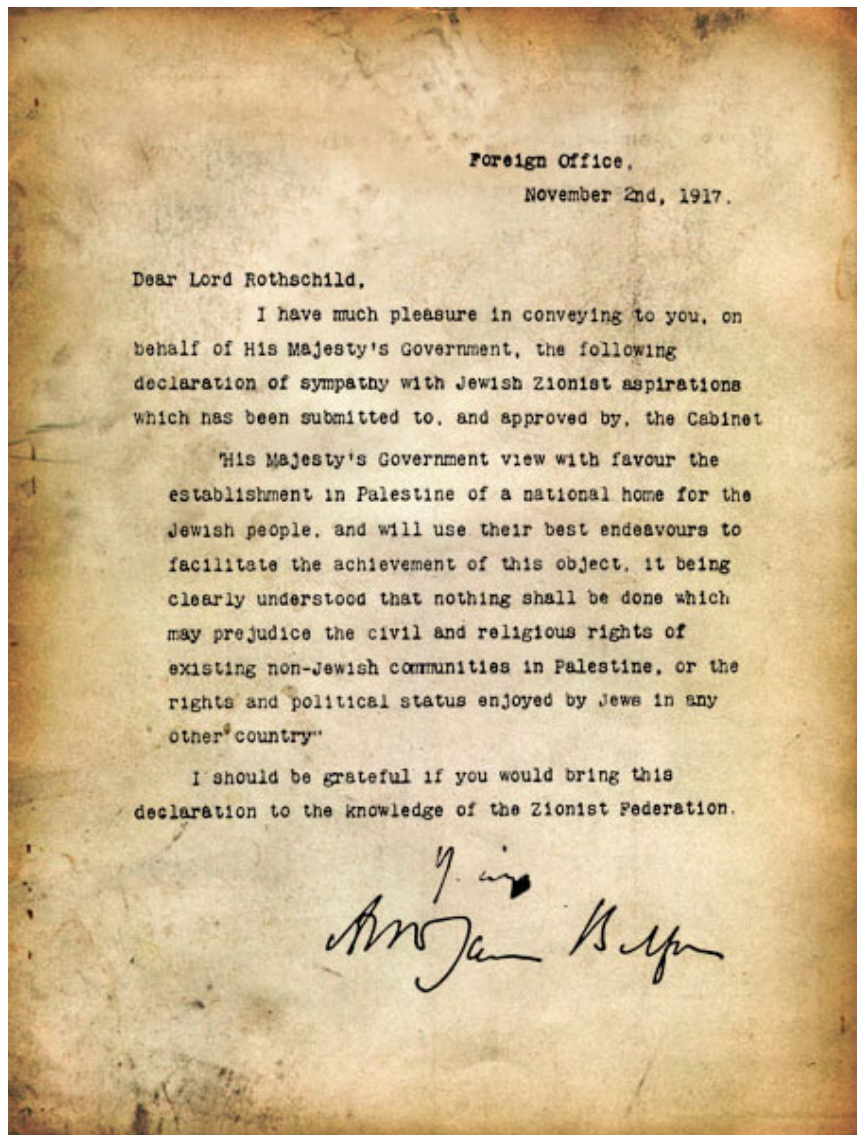
Castello Devachan stands on a hillside at the end of Corso degli Inglesi, overlooking the Italian Riviera town of San Remo.

The villa itself has a chequered history, including use as the local Gestapo HQ during the Second World War, but its claim to fame dates from April 1920 when it was used by the newly-formed League of Nations to house a conference to decide the future of the Middle East in the aftermath of the First World War. Here lie the beginnings of the reborn State of Israel, and the Agreements made at that conference are still valid today and vital to a proper understanding of Israel's right to its land, including territory currently occupied by Palestinian Arabs.



2020 marks the centenary of this conference, and therefore of the Mandates which stemmed from it. In London as well as in Sanremo events are being held to recognise the importance of the conference, for the present time as much as for the past. Details of London events are given [here](#).

Before we examine the Agreement made in 1920, let us back-track a few years. In November 1917 Britain issued what has come to be known as the Balfour Declaration:



At the time, the province of Palestine was still part of the Turkish Ottoman Empire, with which Britain and her allies were at war.

Further information about the Balfour Declaration can be found [here](#).

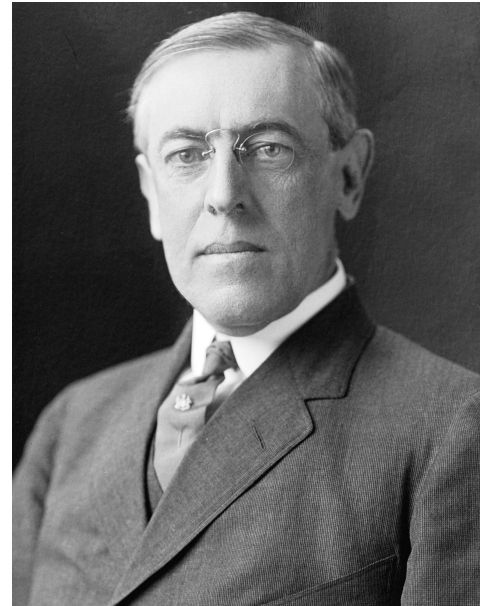
THE LEAGUE OF NATIONS



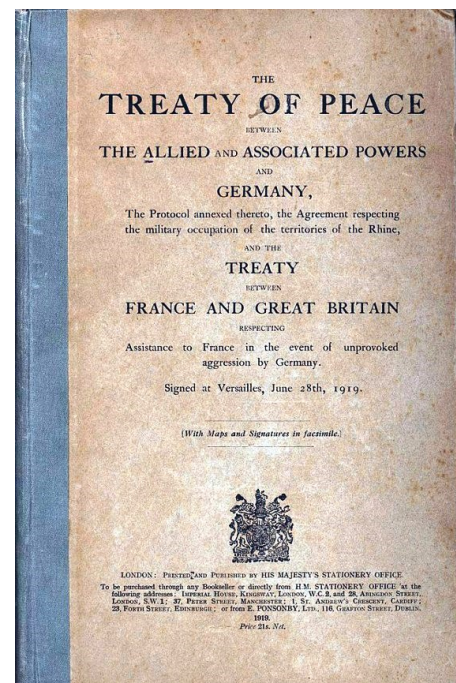
Within weeks of this Declaration being published, Britain had liberated Palestine from Turkish rule, and was therefore in a position to implement its policy.

Watching from the other side of the Atlantic, US President Woodrow Wilson issued what has become known as the Fourteen Points. The 12th Point contained this statement:

12 The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.



These fourteen points became generally accepted by other nations following the end of the War, and formed the basis for the League of Nations, which was established by the Treaty of Versailles on 28th June 1919.





We come now to the San Remo Conference, held at Villa Devachan from 19th to 26th April 1920. This was an international meeting of the post-World War I Allied Supreme Council, attended by the four Principal Allied Powers of World War I who were represented by the Prime Ministers of Britain (David Lloyd George), France

(Alexandre Millerand) and Italy (Francesco Nitti) and by Japan's Ambassador Keishiro Matsui. The USA were also present, with observer status.

This Conference got to work on deciding the future of the Middle East following the collapse of the Ottoman Empire. In accordance with Woodrow Wilson's fourteen points, the victorious allies were not going to acquire new colonies in the area, but were going to establish new sovereign states there over a period of time. The parties recognised that not all the areas of the Middle East were yet ready for full independence, so they agreed to set up Mandates for each territory, with one of the Allied Powers being put in charge of implementing each Mandate.



Initially there were four Mandates agreed, for Lebanon, Syria, Mesopotamia (Iraq) and Palestine. In the first three Mandates, it was recognised that the indigenous people were able to govern themselves, with the Mandatory Power assisting in setting up the institutions of government where necessary.

THE MANDATE FOR PALESTINE

Palestine was different, as this was to become a homeland for the Jewish people and the vast majority of them were not yet living in the Land. The Mandate for Palestine therefore set out how the Land was to be settled by Jews in preparation for when they could form a viable nation there.

There are a number of points which must be noted concerning this Mandate:

1. For the first time in history, Palestine became a legal entity. Hitherto it had been just a geographical area.
2. All prior agreements before the San Remo conference were terminated. This includes both the Sykes-Picot agreement (see [here](#)) and the Faisal-Weizmann agreement (see [here](#)).
3. The Balfour Declaration (see [here](#)) was recognised and incorporated into international law.
4. Sovereignty over Palestine was vested in the Jewish people.
5. The Jewish people became the national beneficiary, based on self-determination, even though most of the Jews had not yet returned to their Land, because of their historical connection to it. This connection goes back to Biblical times.
6. Transfer of the title on Palestine cannot be revoked, either by the League of Nations or the United Nations as its successor, unless the people of Palestine want to give up their title.
7. The Mandate for Palestine was to be given to Britain as the Mandatory Power.
8. The San Remo Agreement was included in the Treaty of Sèvres and confirmed by the Council of the League of Nations on 24th July 1922.

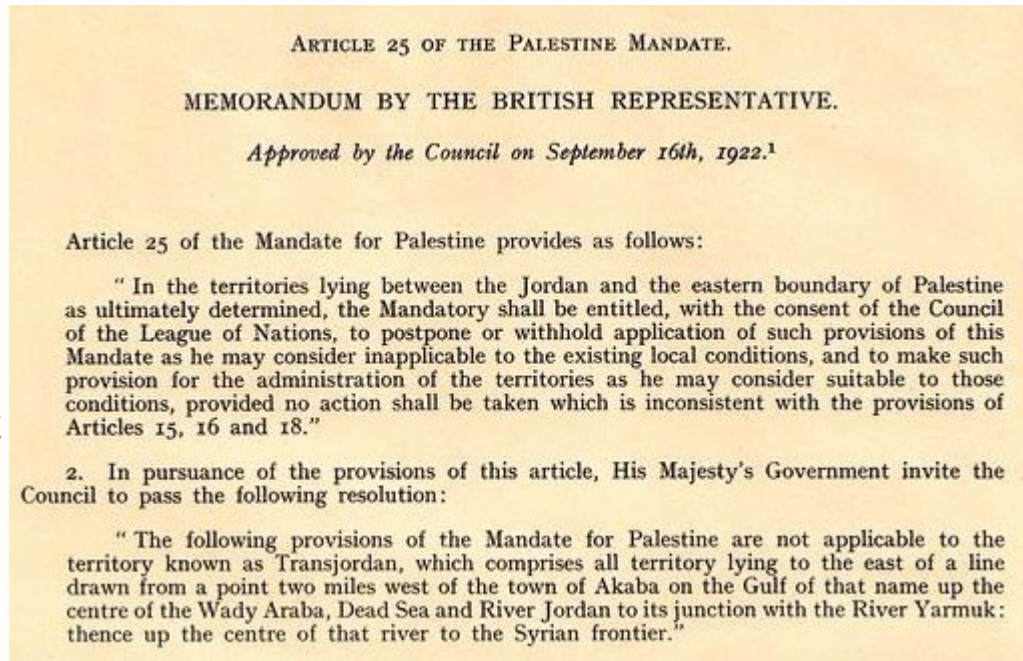
9. The Arabs gained equivalent rights in Lebanon, Syria and Mesopotamia (now Iraq).
10. The San Remo Agreement marks the end of the longest colonised period in history, lasting around 1,800 years.

It is therefore very clear that the Jewish State draws its legal existence from the San Remo Agreement of 1920, and not the United Nations Partition Plan of 1947 (Resolution 181). All 51 nations of the League of Nations voted in favour of this Agreement.

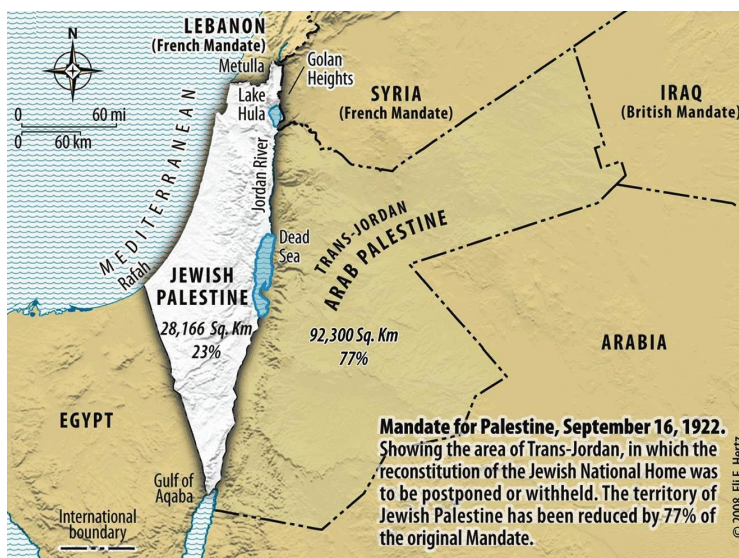
BOUNDARIES OF THE LAND

The exact boundaries of the Land covered by the Mandate for Palestine were not defined at San Remo, and neither were the boundaries for the other Mandate territories.

Article 25 of the Mandate for Palestine gave the Mandatory Power permission to postpone or withhold most of the terms of the Mandate in the area of land east of



the Jordan river, if it did not consider them to be applicable. Britain exercised that power in a memorandum to the League of Nations on 16th September 1922, which the League subsequently approved. This part of the Mandate, for Trans-Jordan, was also administered by Britain.



A map agreed by Emir Faizal and Chaim Weizmann prior to the conference (see [here](#)) had placed the eastern border along roughly the same line as the border from Second Temple times, but Britain decided that it should be the Jordan River instead.

It is interesting to note that the League of Nations referred to the eastern territory as "The Trans-Jordan Province of Palestine" right up until the last meeting of the League on 18th April 1946. Trans-Jordan (now known as Jordan) gained its independence from Britain in 1946 when it became a Hashemite Kingdom.

Since then there have been no other modifications to the Mandate for Palestine, and thus the provisions of the Mandate are still applicable to the whole of the land of Palestine west of the Jordan river, including what is today referred to as the 'West Bank' and Gaza Strip.

THE END OF THE MANDATE

History demonstrates clearly that Britain failed miserably to carry out the sacred trust invested in it by the League of Nations (see [here](#)). After the Second World War, the League of Nations was disbanded and a new organisation, the United Nations, set up.



This new body inherited all the agreements made by its predecessor, including the Mandate for Palestine. In 1947 Britain decided to terminate her stewardship of the Mandate, and notified the United Nations accordingly. It should be noted that the Mandate itself was not terminated, but only Britain's stewardship of it. In a similar way, Britain's stewardship of Trans-Jordan under the same Mandate had been terminated the previous year by that country being granted independence.



The UN proposed a Partition Plan for Palestine, recommending the setting up of a second Arab state, a Jewish state and an international zone to include Jerusalem. This Resolution (181) was only a recommendation to consider partition. It was not an injunction that must be obeyed. The recommendation was accepted by the Jewish leadership but rejected by the Arabs, and had no legal validity once rejected.



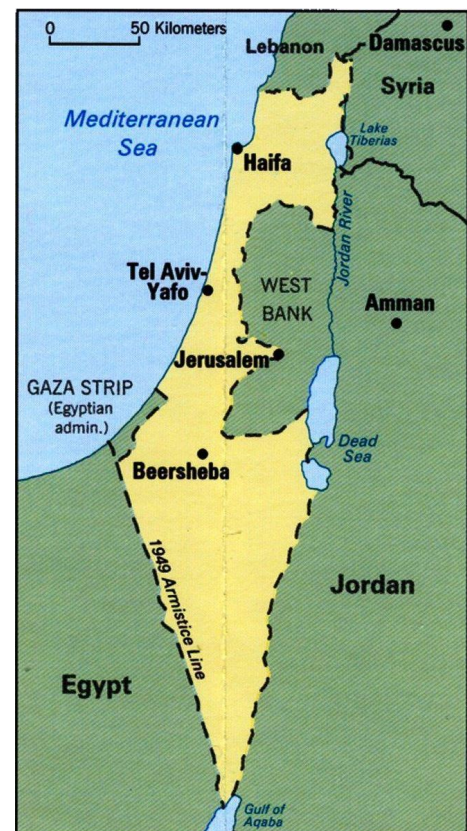
When the State of Israel was declared at the end of the British Mandate period, it became the fulfilment of the Mandate for Palestine, which had been created in order to bring about this outcome in due course. Although the manner by which the fulfilment came about left much to be desired, the

Jewish State of Israel was what was envisaged by the writers of the San Remo Agreement nearly thirty years earlier. Effectively, this was recognised by the United Nations when it accepted Israel into membership on 11th May 1949.

ISRAEL'S WAR OF INDEPENDENCE

Immediately after Israel's Declaration of Independence, war broke out. In addition to the local irregular Palestinians militia groups, the five Arab states that joined the war were Egypt, Trans-Jordan, Syria, Lebanon and Iraq sending expeditionary forces of their regular armies. Additional contingents came from Saudi Arabia and Yemen.

By the time that hostilities ceased, Israel had lost some of its territory to the attackers - the Golan Heights to Syria, Judea and Samaria (including the eastern part of Jerusalem) to Trans-Jordan, and the Gaza Strip to Egypt. It is universally accepted that it is inadmissible to acquire territory by attacking another country, so the actions of the Arab nations were in fact illegal under international law. Whereas Syria and Egypt only **occupied** their captured territories, Trans-Jordan **annexed** Judea and Samaria and called it the West Bank, in order to link the territory with the East Bank of the Jordan. This annexation was only recognised by two countries in the world, Britain and Pakistan, and has no effect upon the illegality of Trans-Jordan's acquisition of the Land.



ILLEGALLY OCCUPIED TERRITORY?

It should be obvious from all this that the expression “illegally occupied territory” is totally inapplicable to Israel's presence in, for example, Judea and Samaria (the 'West Bank'). A state cannot 'illegally occupy' a territory that belongs to it in the first place!

On 18th November 2019 The USA officially agreed to this position. “After carefully studying all sides of the legal debate,” Secretary of State Mike Pompeo told reporters, “the United States has concluded that the establishment of Israeli civilian settlements in the West Bank is not, per se, inconsistent with international law.”



Christians will be well aware from the Bible that God has granted to the Jewish people the whole of the land currently comprising the State of Israel, as well as Judea, Samaria and the Gaza Strip. Israel's legal entitlement to these lands confirms the Word of God on the matter for those of us who believe the Bible. For others, and particularly for those who would deny Israel's right to the territories it recaptured in 1967, the legal case set out here is a challenge that needs to be addressed.