

100 Years of the Balfour Declaration Why The Balfour Declaration Is Still Crucial



Foreign Office,
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.

Arthur James Balfour

UCI ISRAEL, STAND FIRM ON SAN REMO

share - uc4i.org/stand

Israel's legal rights "from the river to the sea" were firmly established at San Remo, Italy, April 25th, 1920, by the Principal Allied Powers

A Treatise on Jewish Sovereignty
over the Land of Israel

**The Legal Foundation
and
Borders of Israel
under
International Law**

Howard Grief

UNIVERSITÉ DE GENÈVE
INSTITUT UNIVERSITAIRE DE HAUTES ÉTUDES INTERNATIONALES

**SOVEREIGNTY OVER THE OLD CITY
OF JERUSALEM**

A STUDY OF THE HISTORICAL, RELIGIOUS,
POLITICAL AND LEGAL ASPECTS OF
THE QUESTION OF THE OLD CITY

THESE
Présentée pour l'obtention du grade de
Docteur ès sciences politiques
(Droit international)

ILLUSTRATED WITH MAPS,
PHOTOGRAPHS AND LITHOGRAPHS

by
Jacques Paul GAUTHIER
(Canada)

Thèse N° 725

GENÈVE 2007

1. The Balfour Declaration in itself has absolutely zero force as international law.

2. On April 24, 1920, the Supreme Council of the Principal Allied powers in the San Remo Resolutions incorporated verbatim the words of the Balfour Declaration.

San Remo gave the Balfour Declaration the force of international law.

3. All of the borders drawn up to form the nations which came out of the Ottoman Empire have their legal basis in San Remo.

Syria, the southern border of Turkey, Lebanon, Iraq, Saudi Arabia, Palestine [now Jordan and Israel].



4. The San Remo resolutions set forth the international legal authority, called a Mandate, from the League of Nations to designate European nations to administer these territories until the indigenous people could govern themselves.

5. The Balfour Declaration was incorporated verbatim into the Mandate to Britain which became international law, unanimously approved by the 55 nations of the League of nations.

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Arthur Balfour wrote the preamble to the British Mandate for Palestine.

The British Mandate designated the purpose ultimately as “reconstituting the ancient homeland of the Jewish people.”

צֶדֶק צֶדֶק תִּרְדּוֹף

tzedeq tzedeq tir^edoph

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tzedeq tzedeq tir^edoph

Deut. 16:20 “Justice, justice shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you.”

Tanakh, 1985

The Balfour Declaration

Nov 2, 1917

The Balfour Declaration

Nov 2, 1917

What was it?

Who made the declaration?

Why was it made?

Foreign Office.

November 2nd, 1917.

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I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours
Arthur Balfour

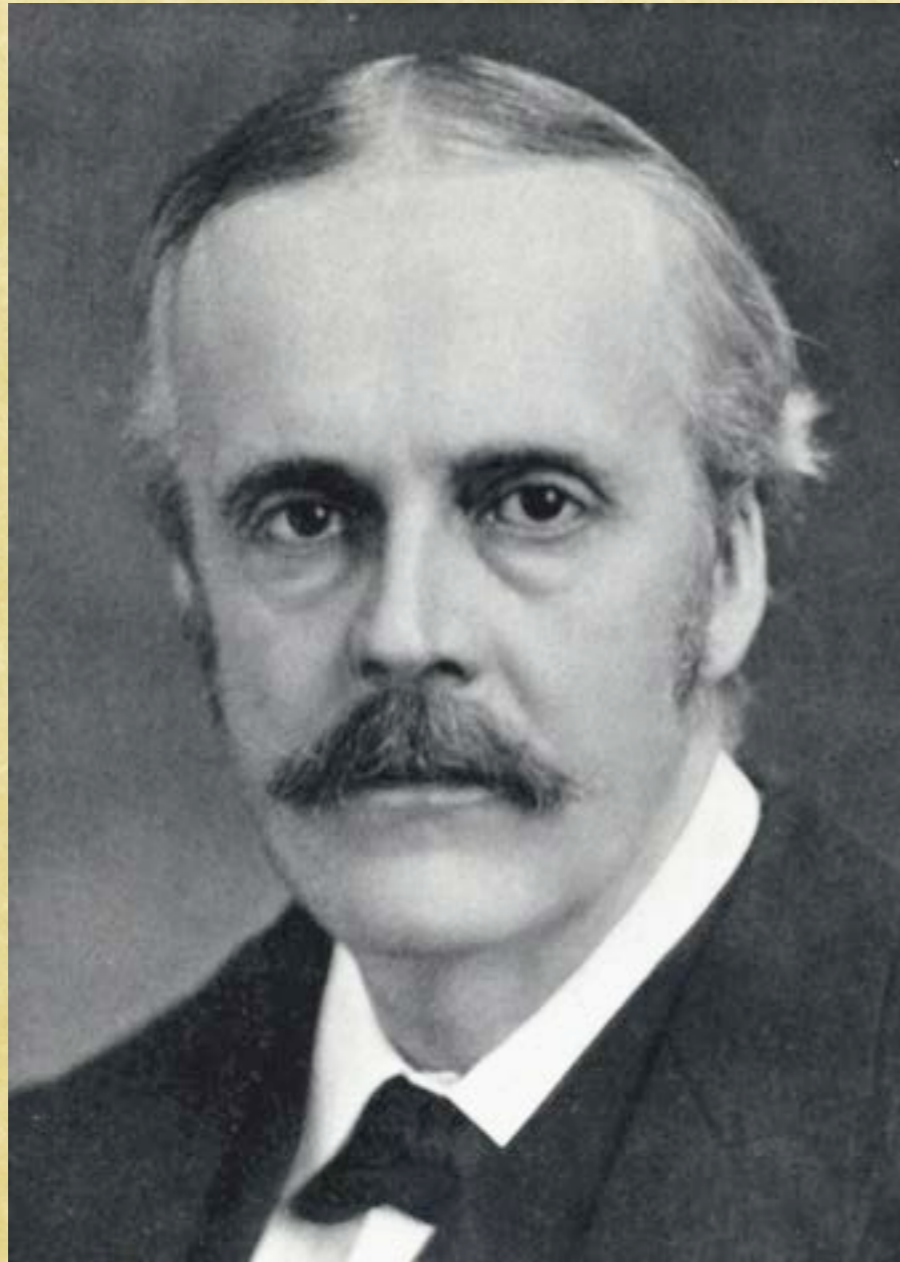


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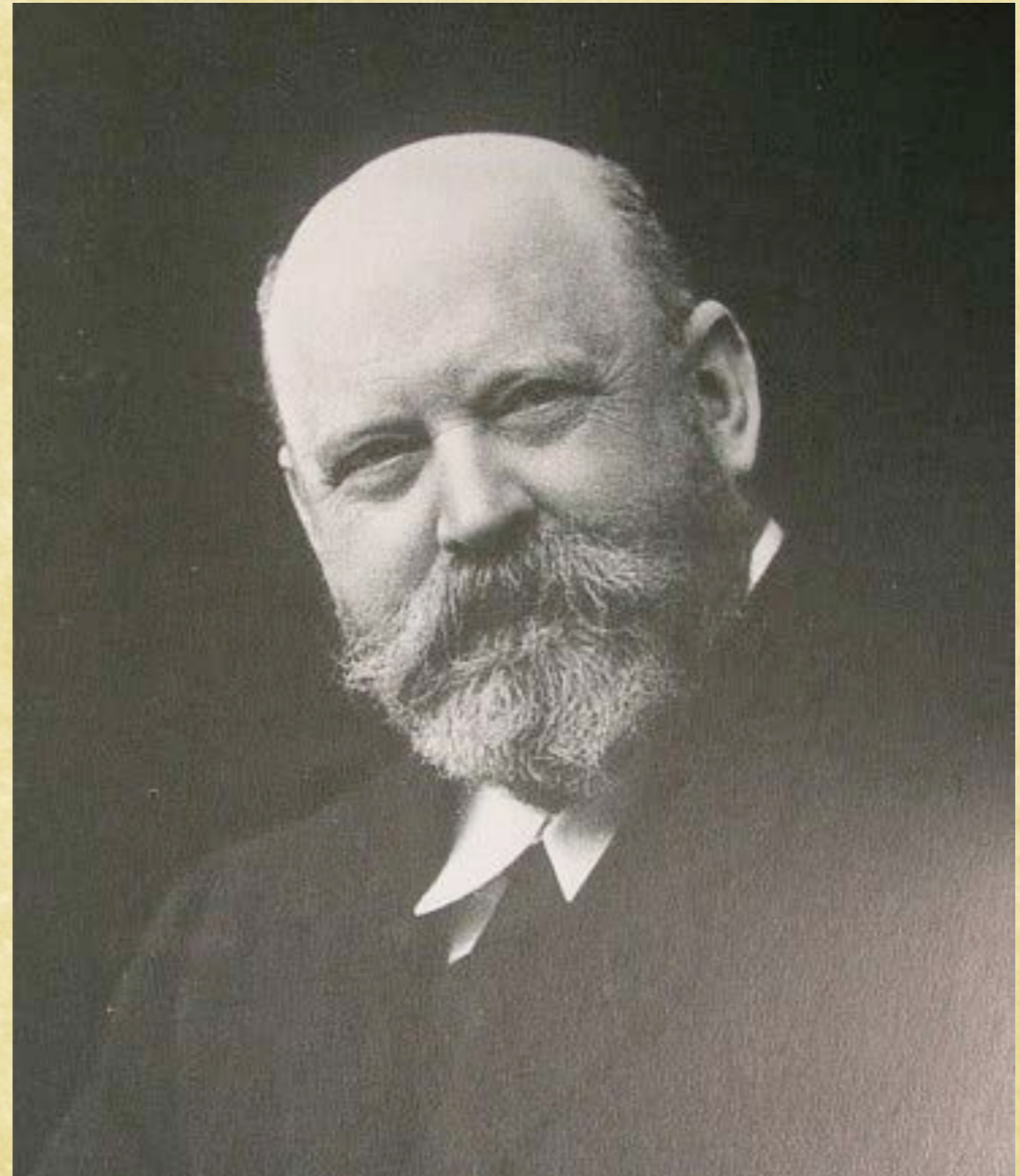
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Arthur James Balfour
British Foreign Secretary
1840-1930
Scottish Presbyterian



Lord Lionel Walter de Rothschild
President, British Zionist Federation

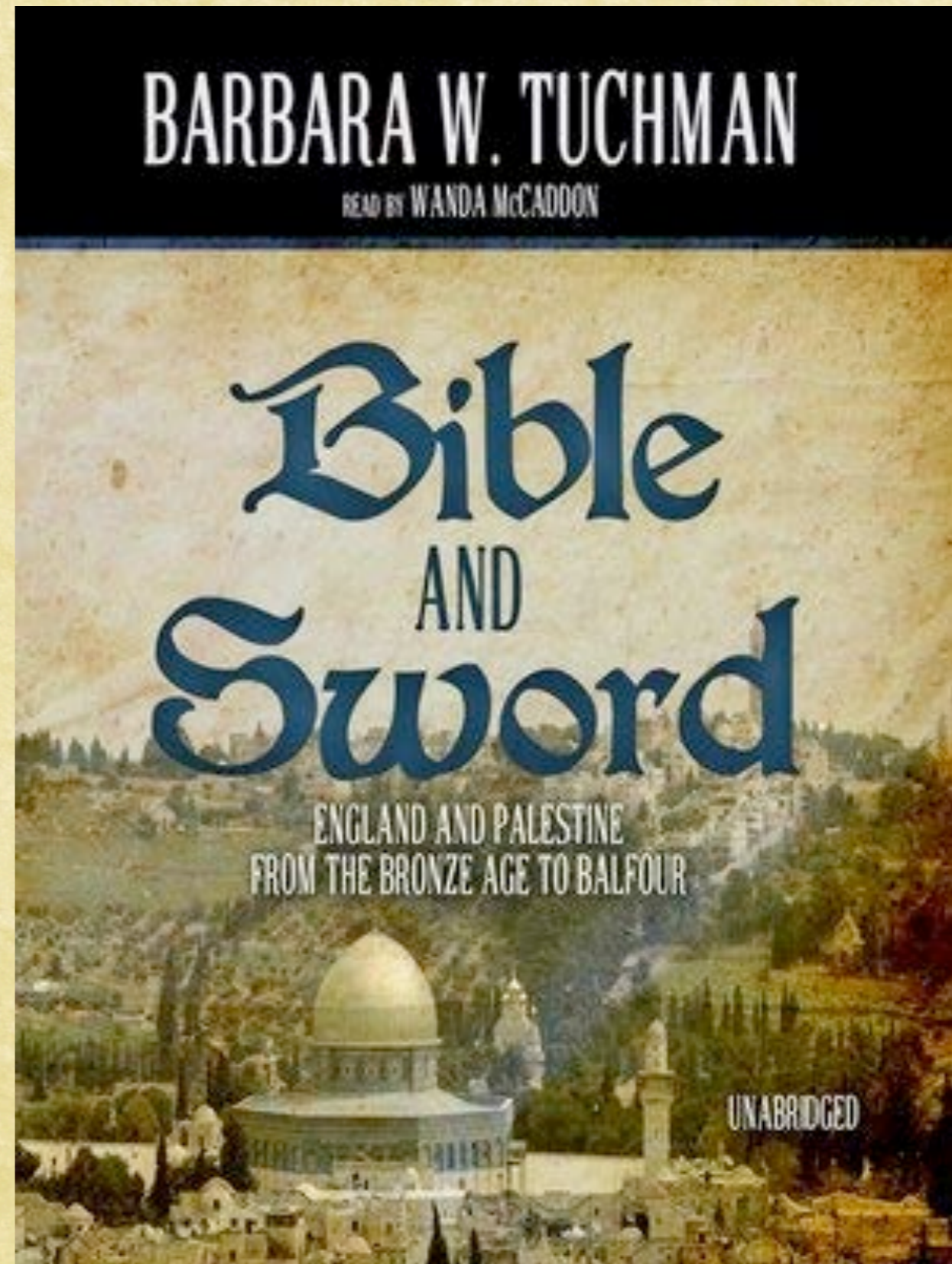


Balfour's interest in the Jews and their history was lifelong. It originated in the Old Testament training of his mother, and in his Scottish upbringing. As he grew up, his intellectual admiration and sympathy for certain aspects of Jewish philosophy and culture grew also, and the problem of Jews in the modern world seemed to him of immense importance. He always talked eagerly on this, and I remember him in childhood imbibing from him the idea that Christian religion and civilization owes to Judaism an immeasurable debt, shamefully ill repaid.

Blanche Dugdale, *Arthur James Balfour*, 324

But of all the Englishmen who at one time or another helped along the Return he was possibly the only one interested in it from the point of view of the Jews. To him they were neither tools of the Christian millennium nor agents of a business imperialism, but simply exiles who should be given back, in payment of Christianity's immeasurable debt, their homeland. Not just any land, but the old land.

Barbara Tuchman, *The Bible and Sword*, 312

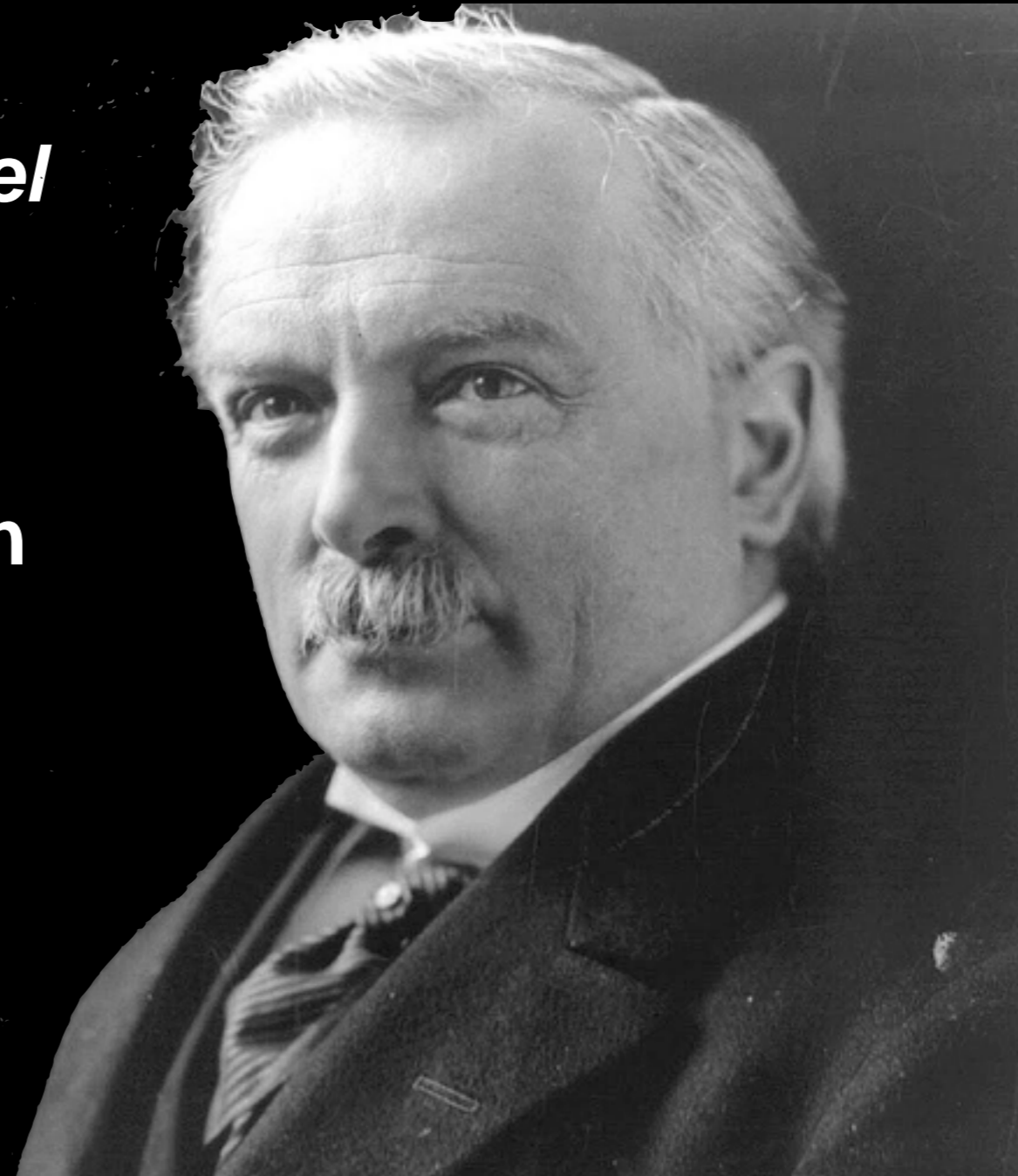


**David Lloyd George
Prime Minister
Baptist**

***“the names and locations in Israel
are more familiar to me than the
battlefields of Europe”***

**Deeply believed in the restoration
of the Jews to their historic
homeland.**

***“was very keen to see Jewish
State established in Palestine”***
**Nov 1914 conversation with
Herbert Samuel**



Lord Curzon



- One of two members of the war cabinet who voted against the Balfour Declaration.



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- “detrimentally changed into ambiguous constructions original clear cut provisions of the Mandate for Palestine designed to secure its establishment as a Jewish State.” Howard Grief, 424



Some suggested reasons for the Balfour Declaration

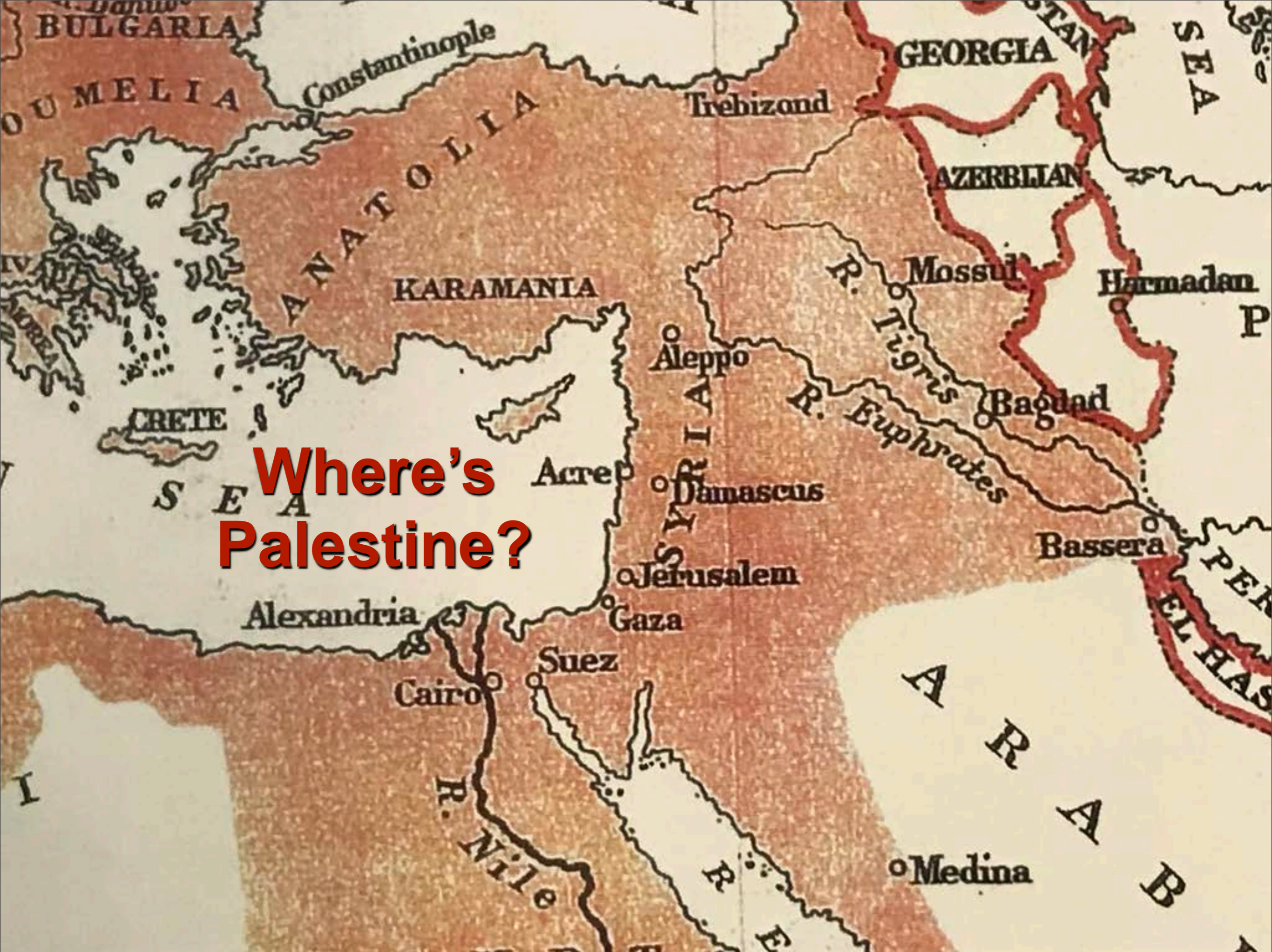
- 1. To protect the Suez Canal**
- 2. To protect the land route to India**
- 3. To gain the loyalty and financial backing of the Jews in Allied nations.**
- 4. Though these may have their place, Balfour and Lloyd George were profoundly committed to the restoration of the Jews to their historic homeland.**

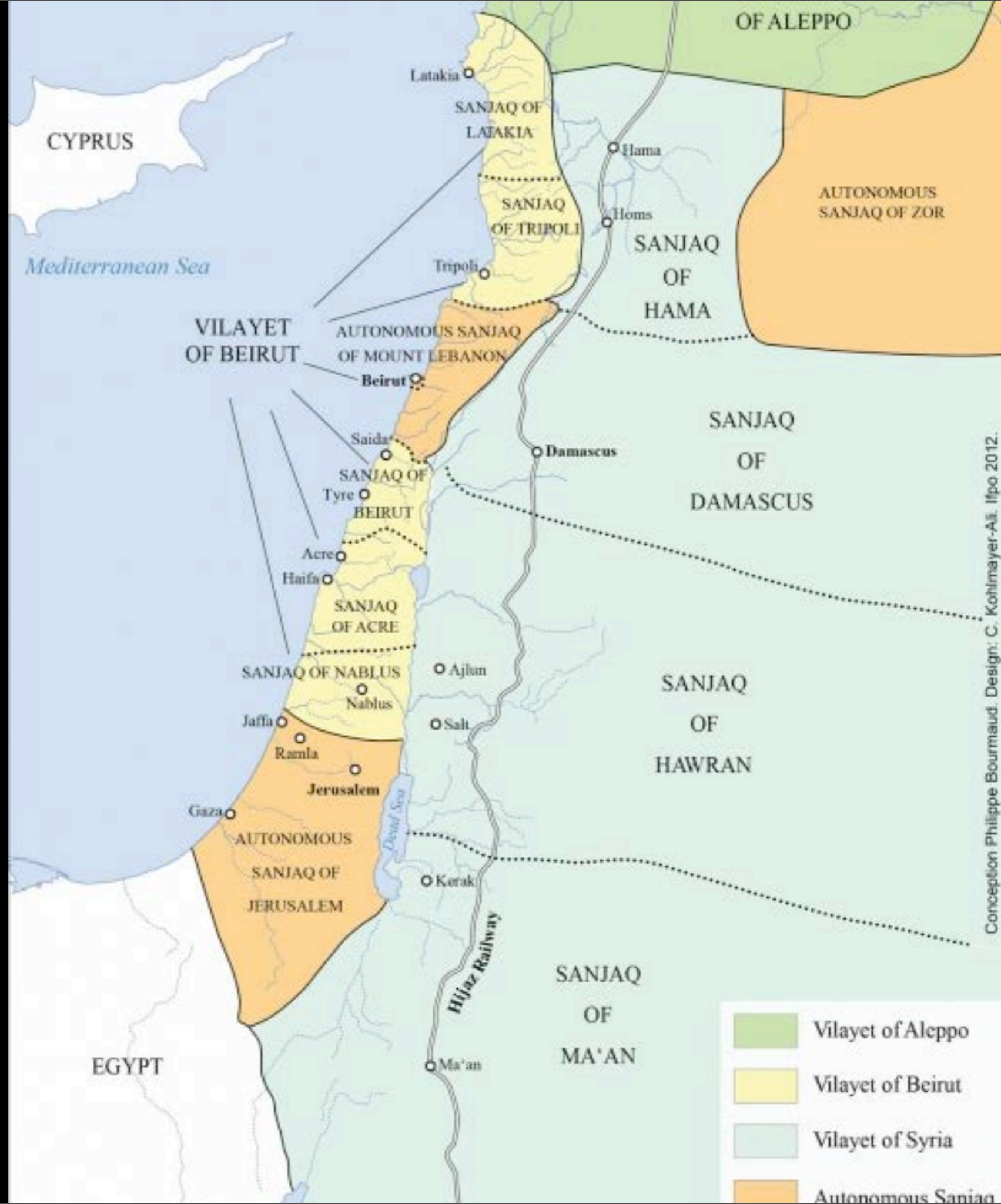
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Where's Palestine?





Conception Philippe Bourmaud. Design: C. Kohlmayer-All. Ifpo 2012.

PALESTINE

UNDER DAVID AND SOLOMON
ABOUT 1015-930 B.C.

English Miles
0 10 20 30



EXPLANATION OF COLOURING

Kingdom of Israel with Territories won

PALESTINE

UNDER HEROD'S WILL AND IN THE
TIME OF CHRIST 4 B.C.-37 A.D.

English Miles
0 10 20 30



EXPLANATION OF COLOURING

Roman Empire Provinces



Jerusalem, 1918

Chain of Central Treaties

Chain of Central Treaties

1. Paris Peace Conference, Feb 27, 1919

Chain of Central Treaties

1. Paris Peace Conference, Feb 27, 1919
Arab Claims, Zionist Claims

Chain of Central Treaties

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2. Covenant of the League of Nations, June 28, 1919

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Article 22

Chain of Central Treaties

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3. **Treaty of Trianon, June 4, 1920**

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Example of title transfer to Allied powers

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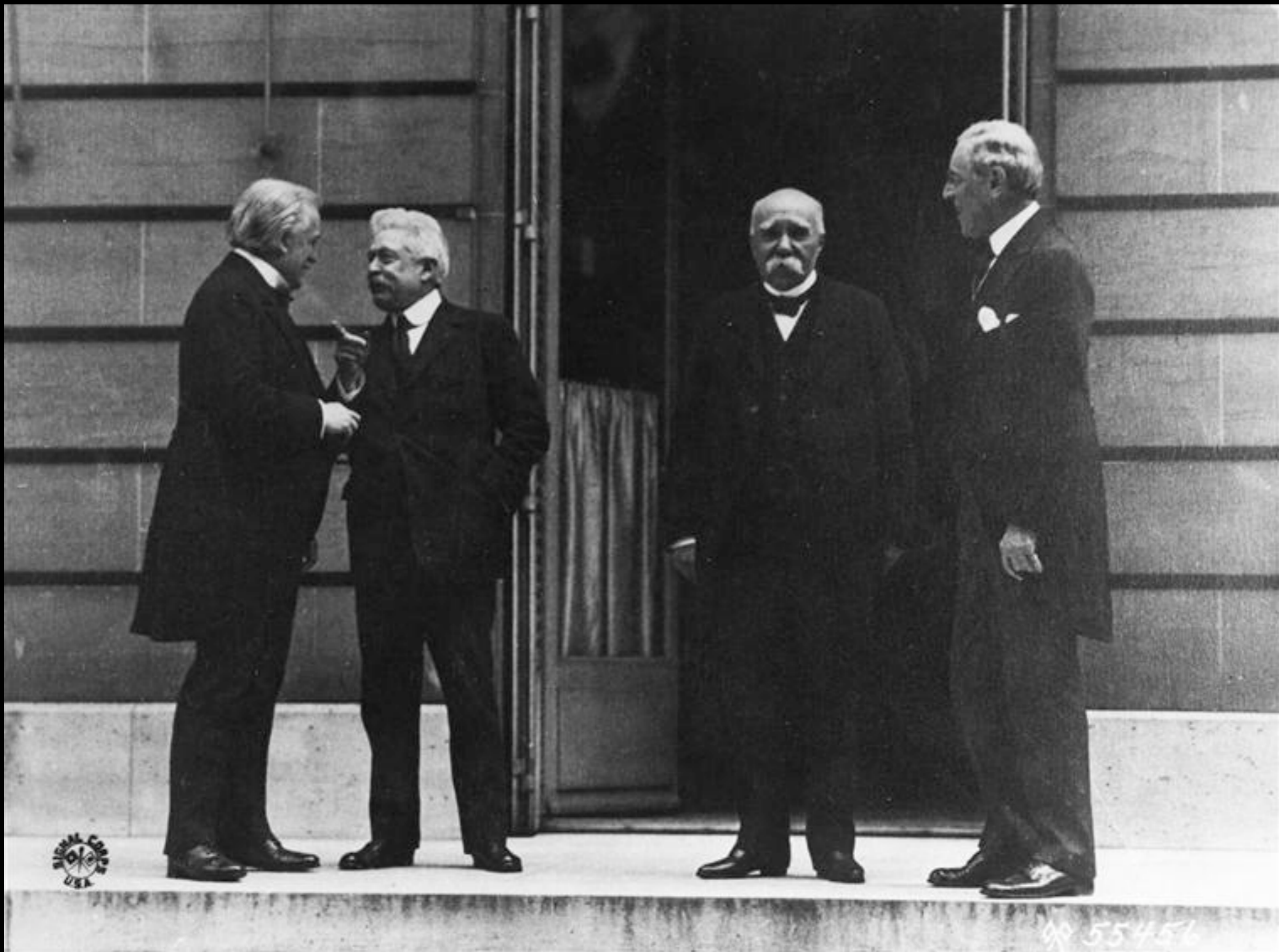
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Article 80

**Paris Peace Conference
Arab and Zionist Claims
February 27, 1919**

**January 3, 1919 Faisal-Weizmann
Agreement**

**January-June 28, 1919 Paris Peace
Conference**

Ends with Treaty of Versailles



**The Council of Four of the Principal Allied Powers
Lloyd George, Vittorio Orlando, Georges Clemenceau, Woodrow Wilson**

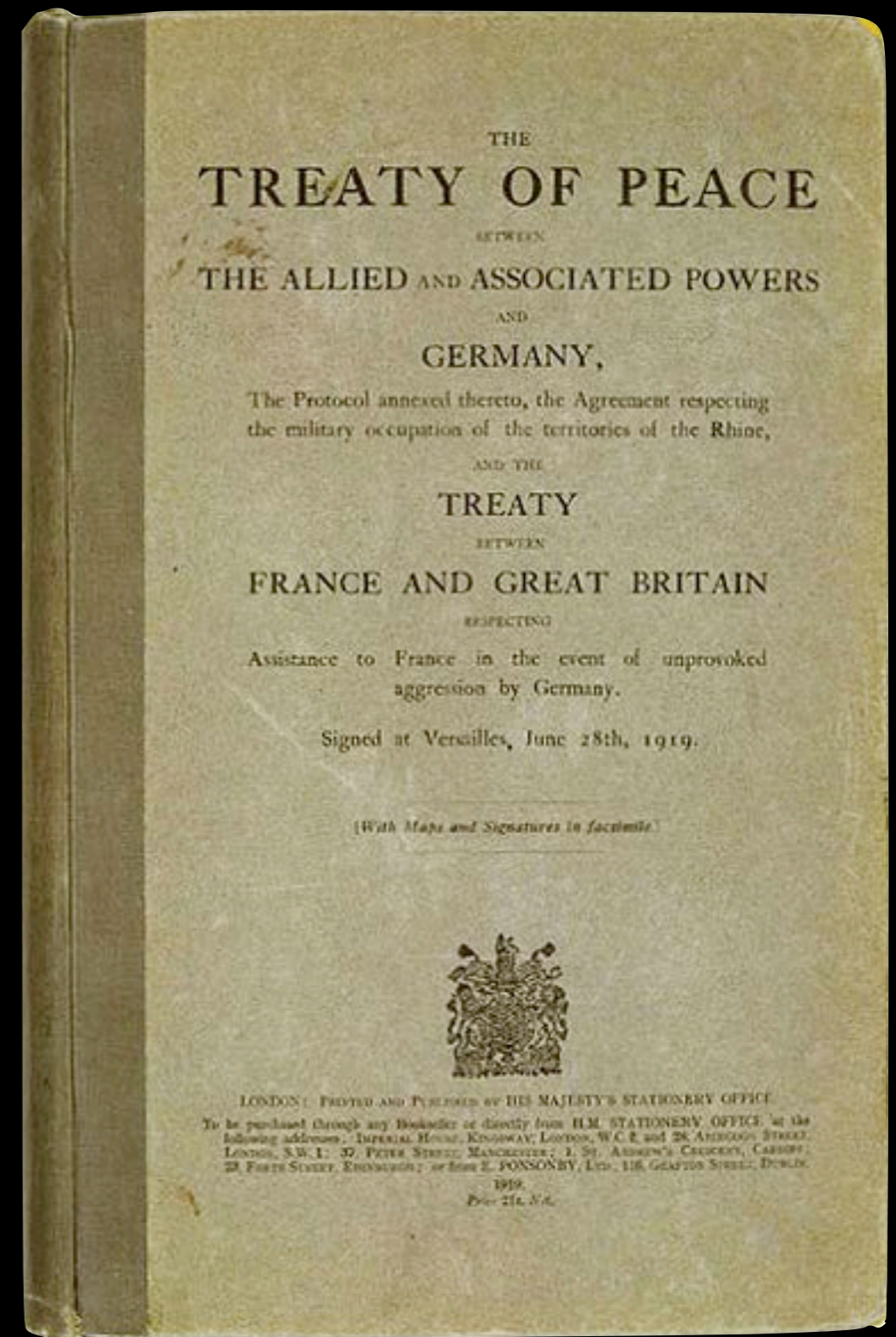
1. Jan, 1919: Arabs and Jews mutually support each other.

2. Feb 6, 1919: Arabs present their territorial claims.

3. Feb 27, 1919: Zionists present their territorial claims.

4. June 28, 1919: Article 22: temporary Mandatory powers until the people can develop self-rule.

5. April 24, 25, 1920, at San Remo the claims were resolved.



The Arab Delegation at the Paris Peace Conference

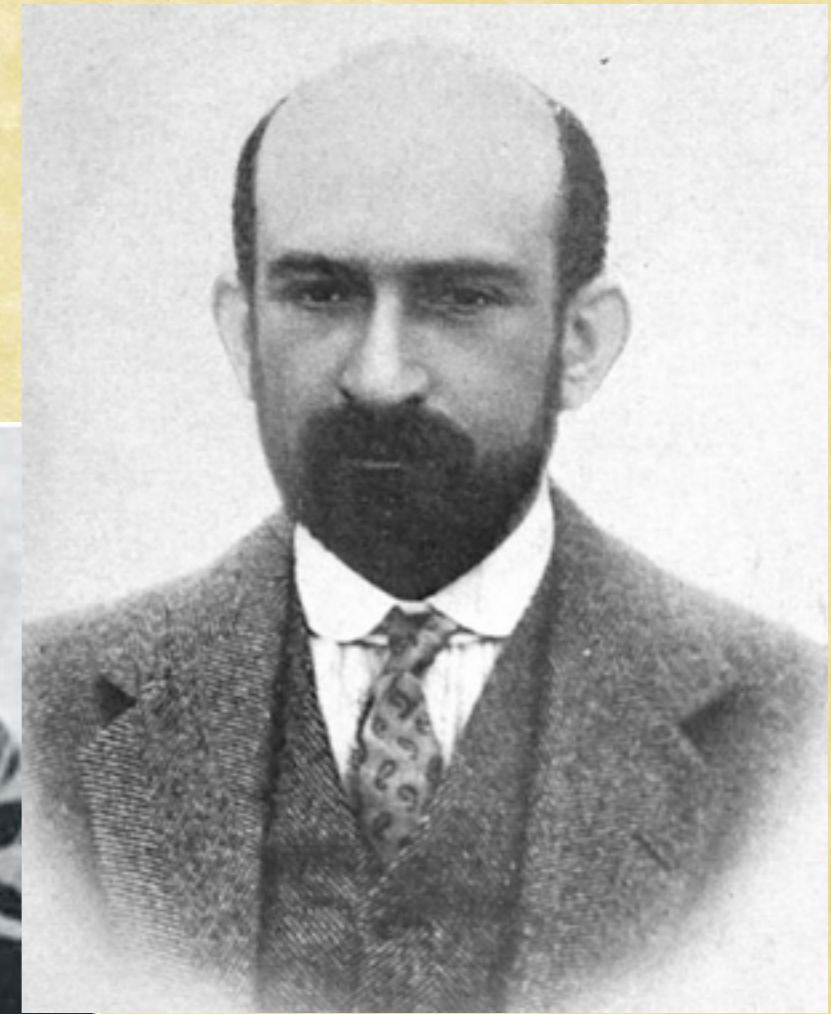


The Arab and Zionist Delegation at the Paris Peace Conference

Faisal bin Al Hussein Ali El-Hashemi



Chaim Weizmann



**Presentation of Territorial
Claims: *Not Palestine*
Feb 6, 1919**

**Presentation of Territorial
Claims: *Historic Israel*
Feb 27, 1919**



Sayyid Hussein bin Ali (1853-1951)
Sherif and Emir of Mecca (1908-1917)
King of Hejaz (1917-1924)



Ali Bin Hussein
(1879-1935)



Abdullah Bin Hussein
(1882-1951)
King of Jordan



Faisal Bin Al Hussein
(1883-1933)
King of Syria, King
of Iraq

Zionist Organization Claims

1. The contracting parties shall recognize the historic title of the Jewish people to Palestine and the right of the Jews to reconstitute their National Home in Palestine.

- **The frontiers of Palestine shall be as those indicated in the expose annexed hereto.**
- **The sovereignty of Palestine shall be vested in the League of Nations and the Government will be entrusted to Great Britain acting as mandatory of the League...**
- **The Mandate shall be subject to these special conditions:**

Palestine must be given the political, administrative and economic conditions that will ensure the establishment of the Jewish National Home and ultimately render possible the creation of an autonomous “Commonwealth.” It is clearly understood that nothing must be done that might prejudice the civil and religious rights of the non-Jewish communities at present established in Palestine, nor the rights and political status enjoyed by Jews in all other countries.”

The Reconstitution of the Historical Jewish State

Historic: From Dan to Beersheba

1918 Zionist Proposal
at the Paris Peace Conference



Palestine under the British Mandate, 1923-1948



Adapted from: Sachat, H.M., *A History of Israel*, New York: Knopf, 1981

**Palestinian Academic Society for the Study of International Affairs
(PASSIA)**

Covenant of the League of Nations

June 28, 1919

ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

ARTICLE 22.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

ARTICLE 22.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Treaty of Versailles

June 28, 1919

Article 119

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

As a result:

**Alsace and Lorraine were returned to France;
Upper Silesia was transferred to Czechoslovakia;
Other territories from Prussia were given to Poland,
Denmark, etc.**

Treaty of Trianon

**Treaty of Peace Between The Allied and Associated Powers and Hungary
And Protocol and Declaration, Signed at Trianon June 4, 1920**

**THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY
and JAPAN,**

**These Powers being described in the present Treaty as the Principal Allied
and Associated Powers,**

**BELGIUM, CHINA, CUBA, GREECE, NICARAGUA, PANAMA, POLAND,
PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, and
CZECHO-SLOVAKIA,**

**These Powers constituting with the Principal Powers mentioned above the
Allied and Associated Powers,**

ARTICLE 75

**Hungary renounces, so far as she is concerned, in favour of the Principal
Allied and Associated Powers all rights and title over the territories which
previously belonged to the former Austro-Hungarian Monarchy and which,
being situated outside the new frontiers of Hungary as described in Article
27, Part II (Frontiers of Hungary), have not at present been otherwise
disposed of.**

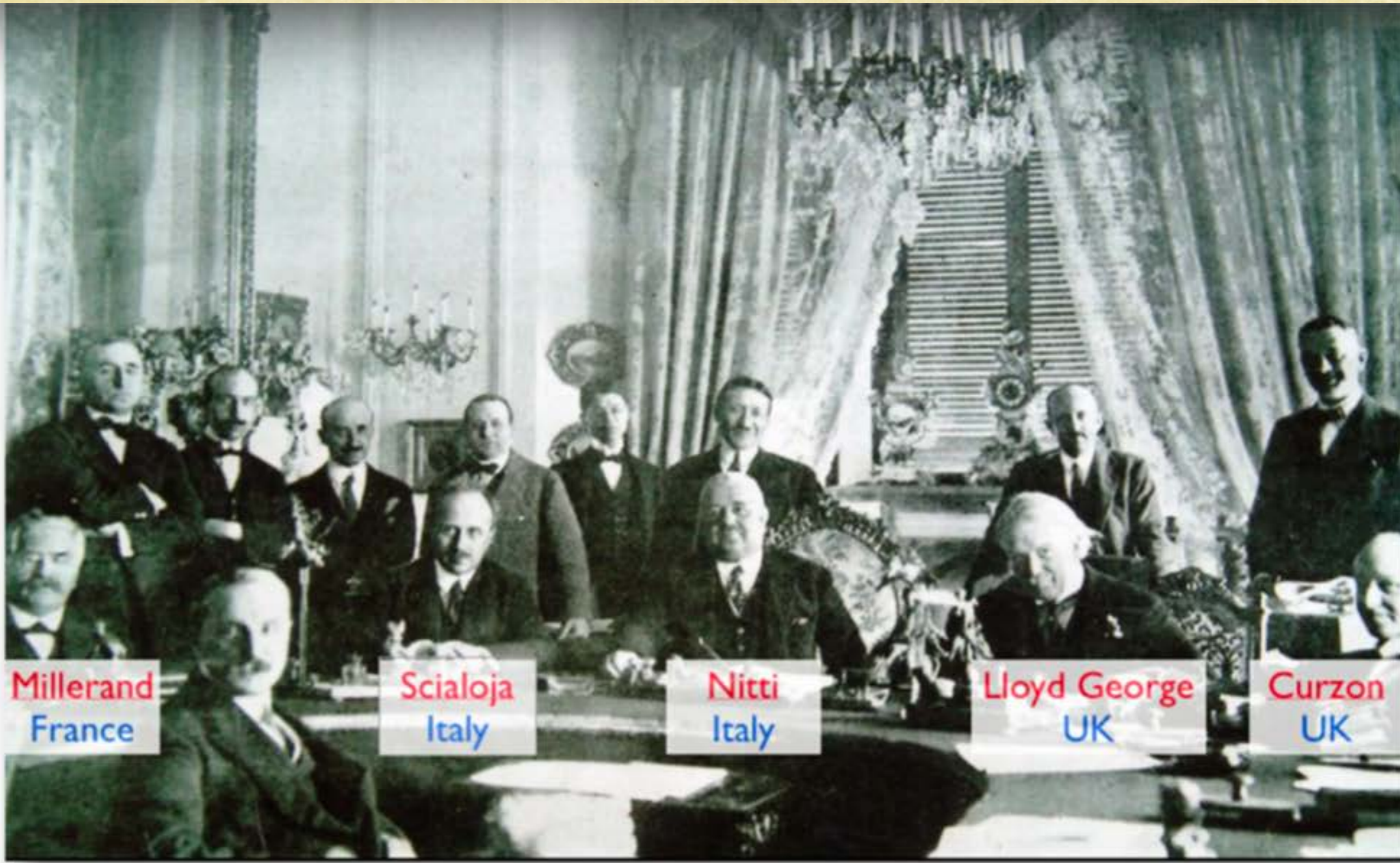
**San Remo Conference
(April, 1920)
ruled on the claims from Paris**

April 1920 San Remo Conference called to divide up the territory given up by the Ottoman Empire

REQUEST GRANTED FOR JEWS AND ARABS

Castello DeVachan San Remo





Millerand
France

Scialoja
Italy

Nitti
Italy

Lloyd George
UK

Curzon
UK

(b) that the terms of the Mandates Article should be as follows:

The High Contracting Parties agree that Syria and Mesopotamia shall, in accordance with the fourth paragraph of Article 22, Part I (Covenant of the League of Nations), be provisionally recognized as independent States, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

APPENDIX XIV
MINUTES OF PALESTINE MEETING OF THE SUPREME COUNCIL
OF THE
ALLIED POWERS HELD IN SAN REMO AT THE VILLA DEVACHAN
-
APRIL 24, 1920

The high contracting parties agree to entrust, by application of the provisions of article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a mandatory, to be selected by the said Powers. The mandatory will be responsible for putting into effect the declaration originally made on the 8th [2nd] November, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing 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:-

<http://www.israellegalfoundation.com/sanremominutes.html>

PALESTINE

UNDER DAVID AND SOLOMON
ABOUT 1015-930 B.C.

English Miles
0 10 20 30



EXPLANATION OF COLOURING

Kingdom of Israel with Provinces subject or tributary to David and Solomon



Area Allocated for Jewish National Home
San Remo Conference, 1920

THE INTERNATIONAL LEGAL IMPLICATION OF THE SAN REMO DECISION PERTAINING TO PALESTINE

“The San Remo decision has come. That recognition of our rights in Palestine is embodied in the Treaty with Turkey (Treaty of Sevres), and has become part of international law, this is the most momentous political event in the whole history of our movement (Zionist movement), and, it is, perhaps, no exaggeration to say in the whole history of our people since the Exile.”

Chaim Weizman

Treaty of Sèvres

August 10, 1920

**Signatories: France, Italy, Japan, and other Allied powers
Turkey**

ARTICLE 95.

The High Contracting Parties agree to entrust, by application of the provisions of Article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing 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.

ARTICLE 132.

Outside her frontiers as fixed by the present Treaty Turkey hereby renounces in favour of the Principal Allied Powers all rights and title which she could claim on any ground over or concerning any territories outside Europe which are not otherwise disposed of by the present Treaty.

The Mandate for Palestine (1922)

The Council of the League of Nations British Mandate Preamble

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

The Council of the League of Nations British Mandate Preamble

**Fifty-one member countries – the entire
League of Nations – unanimously declared
on July 24, 1922:**

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

Article 2 of the Mandate for Palestine

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.

Trans-Jordan Memorandum, 16 September 1922

Geneva,

September 23rd, 1922.

**ARTICLE 25 OF THE PALESTINE MANDATE. Territory known as Trans-Jordan.
Note by the Secretary-General.**

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."

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

3. His Majesty's Government accept full responsibility as Mandatory for Trans-Jordan, 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.

MANDATE FOR PALESTINE

ARTICLE 25

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.

MANDATE FOR PALESTINE ARTICLE 15

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.

MANDATE FOR PALESTINE

ARTICLE 16

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.



Area Allocated for Jewish National Home
San Remo Conference, 1920



Great Britain's Division of the Mandated Area,
1921 - 1923

Treaty of Lausanne
June 24, 1923

ARTICLE 16.

“Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned. “

Status of the mandated territories already settled by Principal Allied and Associated Powers in San Remo in April 1920 and by the Council of the League of Nations in July 1922. As a result the status of these territories as “occupied territories” was formally terminated.

**U.N. Charter
1945
Article 80**

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.