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**RESEARCH ARTICLE**

**Palestine between Reasonableness of Zionist Claims and the Legitimacy of the British Mandate**

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**ABSTRACT**

This study aims to study the legal nature of the British mandate over Palestine after World War I, in addition to studying the claims of the Zionist movement regarding its connection to the land of Palestine, thus determining the correct legal concept of the Question of Palestine in accordance with international law. The methodology of the study is the legal analytical and critical method and the Statute approach. In it, the author used Zionist, Jewish, Arab and foreign references. The results showed that the Zionist movement was established to unite the efforts of the Jews in Europe with the aim of establishing a national home for them in Palestine with the help of the colonial European countries under historical and religious arguments that completely contradict the facts and discoveries in Palestine. On the other hand, Britain's goal from the Balfour Declaration was to support the Zionist project in Palestine, thus helping to dismantle the Ottoman Empire and colonize the Arabian Peninsula with the participation of France. In addition, the British Mandate Deed for Palestine was only ratified by the Principal Allied Powers in World War I. Therefore, it did not reflect a real international will and thus was a violation of the provisions of international law.

**KEYWORDS**

British Mandate; Palestine; League of Nations; International Law; Zionism.

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**1. Introduction**

The Western and Zionist (Israeli) media continue to mislead world public opinion by presenting religious and historical narratives and arguments related to the Jews' relationship with Palestine and their entitlement to it. Thus, it shows the legitimacy of the Jews in Palestine and reduces the solidarity of the peoples of the world with the Palestinian people in their rights and tragedies. Zionism has been working since its emergence to obliterate the Palestinian identity of the Palestinian Arab population, whether by eliminating the Palestinian person and his history or by changing the facts on the ground without taking into account the provisions of international law and relevant international treaties.

The goal of the Zionist movement to establish a national home for the Jews had begun to become a reality when Britain gave its blessing to the Zionist project in the Balfour Declaration and its commitment to achieving it on the land of Palestine. To that end, it transformed this unilateral declaration into a self-imposed obligation guaranteed under international law, as it was granted legal status by the League of Nations through the adoption of the British Mandate Deed. Uniquely in its rule as an imperial power controlling world politics at the time, it was the great colonial empire (Khalidi, 2014).

In this context, it should be noted that there is a difference between the concept of Zionism and the concept of Judaism. Zionism is a political ideology in the first place, and in order to achieve its goal of establishing the State of Israel, it expelled the Palestinian population from their land, destroyed their homes, killed many of them, and is still killing and displacing the Palestinians and confiscating their land, but this What Jewish values and traditions oppose. Therefore, Judaism does not support Zionism even if

Zionism uses Jewish narratives in its discourse. Thus, the criticism of Zionism, which represents the aggressive policy of the State of Israel towards the Palestinian people, is not considered anti-Semitism (Butler, 2012). On the contrary, some find that religious values permeate Zionism. Religious Zionism is consequently present in all aspects of Israeli society and thus constitutes a driving force for Israeli society (Katsman, 2020).

However, the ideology of the Zionist movement is based on the saying, "A land without a people for a people without a land." Accordingly, Zionism aims to establish a purely Jewish state in the sense that there is nothing inside this state except the Jewish element, i.e. replacing the Arabs with the Jews. Thus, the Israeli settlement is the practical application of the strategic thought of Zionism, which adopted a philosophy based on the seizure of Palestinian land and the expulsion of its Palestinian population, bringing in large numbers of Jews and replacing them with Palestinian Arabs (Rabie, 2022). Consequently, the origins of the conflict in Palestine lie in the nature of Zionism as a settler-colonial movement, which was behind the establishment of the State of Israel and the carrying out of the Nakba of the Palestinians (the Catastrophe) (Turner, 2015). In this regard, although the role of the Jews in establishing a state for themselves on the land of Palestine cannot be ignored, their role was limited, which was evident in First, the World Zionist Organization was established with the aim of establishing a Jewish state only. Secondly, the Jews had enormous wealth that helped them achieve their goals. However, they were strong in terms of soft power and weak in terms of hard power. Thus, they could not have established the State of Israel without the support of the British government. As a result, it can be said that the establishment of the State of Israel was the result of the support and approval of Western countries, primarily Britain (Karatas, 2020)

In the end, the Zionist movement achieved its goal, as on May 14, 1948, the day Britain withdrew from Palestine, Zionist gangs took control of most of Palestine and declared the establishment of the State of Israel on 78% of the lands of Palestine (Ahlam, J., Allal Z., & Kamal, R. , 2015), and it occupied the rest of Palestine in 1967 (Shlaim A. & Louis W., 2012).

Accordingly, this study adds important knowledge related to one of the most complex issues in our modern era, the Question of Palestine, as this is evident in its importance that contributes to defining the correct legal concept of the Palestinian Question and the reasons for its emergence. Accordingly, this study aims to examine the rationality of the claims and arguments of the Zionist movement regarding the connection of the Jews with Palestine and the Zionist way of controlling Palestine and to analyze and determine the legal nature of the British Mandate over Palestine and its real goal in establishing the State of Israel, in addition to studying the legal nature of the role of the League of Nations in the emergence of The British Mandate over Palestine in the light of the provisions of international law. Consequently, this enables everyone to realize the correct legal concept of the Palestinian Question.

## **2. Methodology**

The approach used in this study is a legal analytical study in which the author also used the critical and Statute approach by analyzing the real reasons that led to the establishment of the State of Israel, as well as correctly defining the concept of the Palestinian Question, in addition to determining the legal nature of the British Mandate over Palestine and studying the credibility of the claims of the Zionist movement regarding its relationship with Palestine by examining the arguments and texts in this regard, as well as criticizing the opinions of the other party in an abstract scientific manner supported by evidence, which answers the problem of this study. Furthermore, the author used Zionist, Jewish, Arab and foreign references to reach objective and realistic results without bias.

## **3. Results**

This study concluded several important results that are related to the essence of the subject of the study, which are as follows:

The Zionist movement was established by Western Jews at the end of the nineteenth century with the aim of establishing a national home for the Jews in Palestine in order to escape Western persecution.

Moreover, the Zionist movement used and continues to use "armed terrorism" to eliminate the Palestinian presence in Palestine and achieve its goal of establishing the state of Israel for Jews only on all of the land of Palestine under religious and historical pretexts.

However, recent medical studies revealed that the origins of the current Jews do not go back to the descendants of the Prophet Israel (Jacob), who stayed for a while in ancient Palestine. Moreover, the archaeological and historical discoveries in Palestine, as well as the ruling of a European court in this regard, showed that the historical arguments and religious narratives invoked by the Zionist movement are completely inconsistent with the real facts on the ground in Palestine.

On the other hand, the British Mandate Deed contradicts the text of Article 22 of the League of Nations Covenant, and it was only ratified by the Principal Allied Powers in World War I. Therefore, it did not reflect a true international will. Likewise, the original

Palestinian population was not consulted, nor were their wishes taken into account at that time; thus, it was tantamount to an attack on their right to self-determination.

In this context, the Balfour Declaration did not carry any legal legitimacy and violated the provisions of international law, as it was issued by those who do not own it to those who do not deserve it. Moreover, it paved the way for aggression against the Palestinian people and their land and deprived them of the right to self-determination. Indeed, Britain's real goal from the Balfour Declaration was to support the Zionist project in Palestine, thus helping dismantle the Ottoman Empire and expand British influence in the Arab region. The Balfour Declaration was also closely linked to the Sykes-Picot agreement concluded between Britain and France to divide and colonize the Arabian Peninsula between them.

#### 4. Discussion

In fact, the roots of the Palestinian Question are linked to the emergence of the Zionist movement, which called for the establishment of a national home for the Jews in Palestine and encouraged Jewish immigration to it (Saleh, 2005). Without the Zionist movement, the Arab-Israeli conflicts would never have happened because the Jews might not have wanted to create a Jewish state or at least not have had enough organization and support to do so (Rai, 2014).

In this context, the Zionist movement emerged in the late nineteenth century, founded by the Jew Theodor Herzl. In 1896, Herzl wrote the book *The Jewish State*, which served as a manifesto for the young Zionist movement. In this regard, at the First Zionist Congress held in Basel in 1897 under the direction of Herzl, the conference's "Basel Program" included Herzl's vision of Zionism. (Krämer, 2008) Thus, the main goal of the Zionist movement was to "establish a homeland for the Jewish people in Palestine." To further achieve this, the World Zionist Organization (WZO) was established to represent the Zionist movement on a global level. By the beginning of the twentieth century, the work of the Zionist movement was developed, and a national fund was established to collect donations and money to support the Zionist project and support the diplomatic efforts of the World Zionist Organization to win Western support and unite the Jews, as well as encourage Jewish immigration to Palestine (Krämer, 2008).

Prior to the first conference, Herzl traveled to Istanbul to meet the Ottoman Sultan Abdul Hamid II in 1896, as Palestine was at that time under the rule of the Ottoman Empire, and the Ottoman Empire was suffering from a large debt burden in favor of the European powers. Herzl took advantage of the weak financial position of the Ottoman Empire, and he offered the Ottoman Sultan huge sums of money to help him improve the finances of the Ottoman Empire and help pay off its debts. He outlined for him the financial plan based on the 20 million pounds, of which two million would be earmarked as an immediate advance for the cession of Palestine and 18 million for the freeing of the Ottoman government from the Debt Control Commission, but Sultan Abdul Hamid II categorically rejected the offer, and said, "*I cannot sell even a foot of land (from Palestine), for it does not belong to me but to my people*" (Herzl, 1960).

Then, in 1898, after the conference, Herzl went again to Istanbul to meet Kaiser Wilhelm II, King of Germany, who was on a visit to the Ottoman Sultan, especially since the king had good relations with the Ottoman Sultan Abdul Hamid II, it was thus possible to persuade him to pressure the Ottoman Sultan to renounce Palestine (Nuseirat, 2014). However, the meeting with Wilhelm was a failure; Herzl's requests were refused by the king. After these efforts failed, Herzl resorted to Great Britain and met Joseph Chamberlain, the British Colonial Secretary. The only tangible offer he received from the British official was the proposal to establish an autonomous region for the Jews in Uganda in East Africa (Jewish Virtual Library, 2023).

Herzl presented this proposal to the Sixth Zionist Congress in 1903, and the majority of delegates decided to send a "committee of inquiry" to examine the region despite the opposition of the Russian Jews. Then, in 1905, to the Seventh Zionist Congress, the committee of inquiry presented a report on its findings on the proposed area in East Africa. The proposal was voted down. Most Zionists reaffirmed their commitment to the Jewish homeland in Palestine (Ferber, 2015). The rejection of Uganda as a homeland and insistence on Palestine are viewed as indicators that religion was a part of the Zionist ideology (Karatas, 2020).

In this regard, we present Herzl's arguments in his book "*The Jewish State*" about the causes of the Jews' tragedy in the West and his aspiration to establish a national home for them in Palestine, and then we respond to them as follows:

In his book, Herzl (1896) found that the Jewish question is no longer just a social question as much as a religious one, though it takes other forms. Therefore, it is a national issue related to all Jews that can only be resolved by making it a global political issue that must be discussed and settled by the world's civilized nations in a council. Herzl also explained that the Jews were suffering from persecution and discrimination in the countries in which they lived (he meant Russia and Europe), and added that the Jews were being excluded from political participation and their freedom in economic participation was restricted; therefore, they were unable to integrate into the peoples in which they lived. In addition, Herzl found that the Jews are one people and have a distinct nationalism; thus, it is difficult for them to integrate into other peoples.

Herzl (1896) also found that the cause of anti-Semitism is no longer due to religious fanaticism but rather to the superiority of the Jews in economic life and that one of the forms of persecution of the Jews is the imposition of high taxes on them to restrict them

in the economic field. While he added at the end of his book that "The world will be freed by our liberty, enriched by our wealth, magnified by our greatness," this indicates the extent to which the Jews view other nations, as he found that the Jewish people are the best nations and that the development and advancement of nations is linked to the development and advancement of the Jews.

This is reinforced by the texts of the Torah and the instructions of the Talmud, where the Jews consider themselves superior to all the peoples of the earth (Ahmed, 2012). In this sense, it came in the Bible, Revised Standard Version; Deuteronomy 7:6: "For you are a holy people to the Lord your God; the Lord your God has chosen you for his own possession out of all the peoples who are on the face of the earth." In addition, the Jewish law considered that non-Jewish peoples are the least of dignity, so they were created to serve the Jews, and the shedding of their blood is considered an offering to bring them closer to God (Zaki, 2022).

In conclusion, Herzl found that the solution to the Jewish Question and the cessation of persecution of the Jews lies in finding a plot of land and the immigration of the Jews to it, then establishing a state of their own on it. He proposed two regions for this, namely Argentina and Palestine. Herzl preferred that Palestine is a place for the Jews, justifying that it is their historical homeland and it would also be the front line for Europe in confronting Asia and barbarism, in addition to protecting Europe's interests in Asia. In return, Europe has the duty to guarantee the Jewish state in Palestine. Herzl found an opportunity in Christendom's anti-Semitism to exploit this hostility to attract support for the creation of a new state for Jews somewhere in the world. He meant that the only for Western peoples to get rid of the Jewish presence in their countries was to help the Jews find a new home.

The author finds that Herzl contradicts himself in his book by saying that the emigration of the Jews would not leave unrest and economic crises in the countries from which they leave because the centers they leave would be occupied by Christian citizens, and the emigration of the Jews would be gradual. Consequently, it is understood from his words that the Jews had great control over the economies of the countries in which they lived and thus had an influence on the policies of the governments of these countries. In addition, it is understood from the context of Herzl's words, as mentioned earlier, that the Jews considered that the development of the countries in which they lived was due to the Jews. Therefore, the Jews had the right to control the economic movement and production without interference from governments. On the other hand, Herzl mentioned that the Jews have special and distinct national characteristics that make it difficult for them to integrate into other societies. It follows from this: the Jews did not accept the participation of other non-Jewish citizens in their work. Thus, he explained (intentionally or not) the factors that made European governments impose restrictions on their movements in political and economic life and the reasons for the hostility of the European peoples towards them.

In this matter, Karatas (2020) found that the Western hatred of the Jews was a factor in establishing a homeland for the Jews in Palestine. Thus the Jews were *persona non grata*, which encouraged the emigration of Jews to Palestine, as Jews immigrated to Palestine, whether voluntarily or fleeing from the Nazis and Western persecution of them. Thus, what helped them foster Jewish nationalism was anti-Semitism in Europe. The more anti-Semitism, the more popular Zionism would be among Jews. Therefore, anti-Semitism became a useful tool for the Zionists to take root and grow among the Jewish communities. He also added that Jews were powerful in the sense of soft power but weak in terms of hard force; thus, they could not have established Israel without the support of the British government. As a result, it is possible to say that the establishment of Israel was entirely due to the backing and approval of Western countries. In this context, the motivation behind the Russians' backing for a Jewish home was not just their desire to get rid of the Jews but also to undermine British dominance in the "Middle East". As a result, it was political rather than humanitarian.

On the other hand, it was stated in the preamble to the British Mandate Deed over Palestine that "the historical connection of the Jewish people with Palestine." And Herzl, the founder of the Zionist movement, found that "Palestine is the ancestral homeland of the Jews." In this context, Shabib (1979) found that many scholars specializing in the history of peoples believe that the Jews of today are not originally descendants of the Children of Israel (the Prophet Jacob) to whom the Prophet Moses was sent, and they are not descendants of the Prophet Abraham, among these scholars, the Jew Frederick Hertz in his book "Sex and Civilization", Ripley in his book "Races of Europe", and Eugene Butter in his book "Races and History".

Moreover, a study conducted by Israeli geneticist Eran Elhaik (2012), a researcher at the McKusick-Nathans Institute of Genetic Medicine, on groups of European Jews showed that their origins go back to a mixture of peoples, as the study confirmed that the genome of European Jews is a tapestry of a population descended from the Khazars, a mixture of tribes that settled in the Caucasus in the first centuries and converted to Judaism in the century Eighth, as well as some of them descended from the Greeks and Romans, and to a lesser extent from Mesopotamia and Palestine. The study also found that Jews of European descent account for more than 90% of the 13 million Jews in the world.

The immigrant Jewish population in Palestine is a mixture of different geographic origins; they come from about 102 countries, and they speak about 82 languages (Al-Jedba, 2008). Consequently, this explains the different forms of the Jews, so you find some of them resembling the peoples of the Caucasus region, others resembling the Romans and Greeks, some of them resembling

Arabs, some resembling Africans, and some resembling the Chinese and Mongols. Their colors also vary from white to black, red and colored, in addition to their different sizes and heights, all according to the breed from which each of them descends. Therefore, it is inconceivable that the current Jews are descendants of one man, as this is medically and logically impossible. Thus, modern Jews are not descendants of Prophet Jacob (Israel).

Furthermore, Archaeologists discovered that man settled in Palestine since the Stone Age and specifically began to settle, build societies, and develop means of life in Palestine in 17,000 BC. Among the famous ancient tribes that lived in Palestine were the Semites from the fourth millennium BC and the Canaanites from about the seventh millennium BC (Al-Ghadiry, 2008). As for Jews, the original Jews, who were descendants of Prophet Jacob (Children of Israel), ruled some parts of Palestine, not all of it, for about four centuries only, especially in the period from 1000 to 586 BC. Then, their rule ended, as did the rule of other empires, such as the Assyrians, Persians, Pharaohs (Egyptians), Greeks, and Romans in Palestine. In addition, Jewish rule ended without leaving any political, cultural or civilizational presence in Palestine (Al-Shehri, 2017). The people of Palestine remained firmly rooted in their land until they converted to Islam and accepted its rule during the Islamic expansion in 636 (Al-Ghadiry, 2008), thus the Islamic rule was the longest, it lasted about 1,200 years -from 636 AD to 1917 AD- with the exception of the Crusader period from 1099 to 1187 AD (88 years) (Ibrahim, 2019).

It is also worth noting that the rule of the Children of Israel ended with the destruction of the Kingdom of Judah in Palestine during the second captivity in 586 BC at the hands of the Babylonian army led by Nebuchadnezzar, after the Jews violated the pledge of allegiance to Nebuchadnezzar, as Nebuchadnezzar destroyed the remnants of the Jewish rule, killed many of the Jewish men and captured the rest and took them as slaves in his kingdom of Babylon (Iraq). Thus, the Jewish rule that lasted nearly 400 years in Palestine ended (Al-Baghdadi, 2015).

The captivity of the Jews in Babylon continued until the Babylonian state was weakened and defeated by the Persians, who released the Jews and allowed them to return to Palestine, but some of them preferred to stay in Iraq, others emigrated to other countries, and a few of them returned to Palestine and merged with the original population there. Thus, the Jews integrated with other peoples through intermarriage until the lineage of the Prophet Israel (Jacob) came to an end. This is explained by recent medical studies in that the genes of modern Jews are not identical to each other; they descend from several breeds, as was shown to us earlier in this study.

On the other hand, it is known that the Zionist movement, since its inception, has carried biblical promises and narratives to justify Zionist thought and attract Jews to Palestine, as we mentioned earlier. In this regard, we cited the opinions of two prominent Jewish scholars in refuting these biblical promises and narratives. Israeli archaeologist Herzog (1999), at Tel Aviv University found that recent archaeological discoveries in Palestine completely contradict biblical stories. In addition, Finkelstein (2014), the head of the School of Archaeology and Maritime Cultures at the University of Haifa, who is known as "the father of biblical archaeology in Israel", also told the Jerusalem Post that *"Jewish archaeologists have found no historical or archaeological evidence to back the biblical narrative on the Exodus, the Jews' wandering in Sinai or Joshua's conquest of Canaan. On the alleged Temple of Solomon, Finkelstein said that there is no archaeological evidence to prove it really existed."*

Furthermore, after the disturbances which occurred in Palestine in August 1929, His Britannic Majesty's Secretary of State for the Colonies appointed a Commission on the 13th of September, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western Wall "Wailing Wall" at Al-Aqsa Mosque in Jerusalem.

The Commission's decision came more than five months after the start of the sessions of the International Committee in Jerusalem, and after it listened to the representatives of Arab Muslims and representatives of the Jews and examined all the documents submitted by the two parties, as well as visited all the holy places in Palestine, the committee held its closing session in Paris on November 28 Until December 1, 1930 A.D., and issued its unanimous decision, which was as follows (United Nations, A/7057/Add.1|S/8427/Add.1):

*"Subsequent to the investigation it has made, the Commission herewith declares that the ownership of the Wall, as well as the possession of it and of those parts of its surroundings that are here in question, accrues to the Moslems. The Wall itself, as being an integral part of the Haram-esh-Sherif area, is Moslem property. From the inquiries conducted by the Commission, partly in the Sharia Court and partly through the hearing of witnesses' evidence, it has emerged that the Pavement in front of the Wall, where the Jews perform their devotions, is also Moslem property.*

*The Commission has likewise ascertained that' the area that is coincident with the said Pavement was constituted a Moslem Waqf by Afdal, the son of Saladin, in about the year 1193 A.D. In all probability, this place, which then formed a part of a large open area, was made Waqf at the same time as and as part of the*

*adjacent area. At a later date, about 1320, when the private buildings that are now occupied by the Moghrabis were originally put up to serve as lodgings for Moroccan pilgrims, those buildings were also made Waqf by a certain Abu Madian. The original title-deeds have been lost, but that character of Waif attached to the buildings was confirmed by a verdict of the Qadi, pronounced in the year 1630 after the hearing of witnesses in the usual form prescribed by the pertinent Sharia Law.*

*In the Sharia Court, in the presence of representatives of the Parties, the approximate boundaries of those Waqf properties were ascertained by a member of the Commission who marked them in on a map, handed to the Commission by the Palestine Administration. That map has served as a guide at the proceedings of the Commission and has not been called in question by either' of the Parties."*

However, the Zionist movement was able to achieve its most important achievement, which was the Balfour Declaration in 1917. Where shortly before the British forces entered and occupied Palestine (Al-Senwar, 2018), the British government decided to support the establishment of a home for the Jews in Palestine. The British decision was announced in a letter from British Foreign Secretary Lord Arthur James Balfour to Zionist leader Lord Walter Rothschild after cabinet talks and consultations with Jewish leaders. The contents of this letter became known as the Balfour Declaration, which was as follows (Kramer, 2017):

*"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors 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."*

In this regard, Chaim Weizmann's activism helped build his stature as a Zionist leader and British statesman, a duality that enabled him to fuse British politics with the Zionist agenda, which culminated in the issuance of the Balfour Declaration. However, the Balfour Declaration was intended to support the Zionist project in Palestine, thus helping to dismantle the Ottoman Empire and expand the British Empire in the Middle East (Gutwein, 2016).

From a legal point of view, the author finds that the Balfour Declaration violated fundamental norms of international law. It cleared the way for a military attack on the Palestinian people and the occupation of their land by foreigners, which constituted direct aggression and a war crime under the rules of the Hague Convention.

Nevertheless, by adopting the British Mandate of Palestine in 1922, the Balfour Declaration was given the force of binding law, as the Mandate Deed was formulated in such a way that most of its articles favor the establishment of a Jewish national home in Palestine. Given the small space, we can mention a part of the preamble to the Mandate Deed and its most prominent Articles (United Nations, A\_292-EN.pdf (Text of Mandate [for Palestine])):

*"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...*

*"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 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. 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. 11**

*... 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 the preamble to the Mandate Deed, it was stated that the Principal Allied Powers that won the First World War agreed to Britain's mandate over Palestine, as the Principal Allied Powers were the United Kingdom of Great Britain and Ireland, France and the Russian Empire. Therefore, the author finds there was no real international will to agree to the British mandate over Palestine. Rather, the matter was limited to three countries, including two with colonial ambitions, which contradicts the concept of international legitimacy and the legitimacy of the mandate. In addition, the Principal Allied Powers that won the First World War agreed that the Mandate Authority would be responsible for implementing the Balfour Declaration issued by the British government in favor of establishing a national home for the Jews in Palestine. Consequently, the Question of the Jews was of interest to the West. Moreover, by reading the articles of the Mandate Deed, it becomes quite clear that it did not take into account the historical rights of the indigenous Palestinians in their land, as well as depriving them of their political and economic rights by making legislation, governance and the economy exclusively in the hands of Britain and the Zionist movement.

On the other hand, it is clear how Article 1 was linked to Articles 2 and 4; this makes the Mandatory State and a Jewish agency representing the Jews as the actual authority in legislation and administration jointly, and they are responsible for placing Palestine in political, administrative and economic conditions that guarantee the establishment of the Jewish national home, as well as the promotion of self-governing institutions, which guarantees the independence of the Jews in the future. This makes it clear that the issuance of laws and the administration of government would be exclusively in favor of establishing a national home for the Jews and against the original Palestinian Arab population. Thus, the British Mandate's job is only to give Palestine to the Jews.

In this regard, it is understood from the text of Article 22 of the Covenant of the League of Nations, which is the article upon which the mandate system for Palestine was built, that the mandate is to enable the state sponsoring the mandate to help the weak, backward countries to rise and train them to rule so that they become able to decide their destiny and be independent, thus govern itself. In addition, the text of Article 22 contained:

*"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."*

Whereas Palestine was subject to the rule of the Turkish Empire, "the Ottoman Empire" i.e. belonged to it; consequently, after examining the meaning of the text of Article 22, it can be found that the British Mandate Deed over Palestine violated the true meaning of the concept of the mandate, as its aim was to create conditions for the immigration of Jews to Palestine and the establishment of a national home for them in it, ignoring the desires of the original Palestinian population in their land and self-determination.

In addition, in principle, the Mandate was intended to be a transitory phase until Palestine gained the status of a completely independent nation, a status provisionally recognized in the League's Covenant, but the historical development of the Mandate did not result in the establishment of Palestine as an independent nation. Despite the Covenant's demand that "the wishes of these communities must be a principal consideration in the selection of the Mandatory," the decision on the Mandate did not take the wishes of the Palestinian people into account (United Nation, 2022).

Furthermore, when the Mandate was ratified in the League of Nations, there was no representation of the Palestinian population, nor was it consulted, not even Arabs or Muslims, which is a violation of international law; thus, it was illegal. It is also understood from it that it aimed to eliminate the Palestinian Arab Islamic presence in Palestine and replace it with strangers.

Furthermore, in this regard, the Balfour Declaration was linked to the Sykes-Picot Agreement. Sykes-Picot Agreement came in 1916, which divided the Arabian Peninsula and established borders that this region had not known before (Mansour, 2016). According to the Sykes-Picot Agreement concluded on May 19, 1916, between the two colonial states, France and Great Britain, the Arab lands in the Arabian Peninsula (the Fertile Crescent) that were under the rule of the Ottoman Empire were divided into spheres of influence and control between the two colonial powers, under which France would occupy Syria (modern Syria and Lebanon) and northern Iraq, while Great Britain would occupy southern Iraq and Transjordan (modern Jordan) according to the agreement between them. The two countries also agreed to place Palestine under an international administration that would determine its shape after consultation with Russia and agreement with other allied countries ( WWI Document Archive).

After the defeat of the Ottoman Empire and the entry of British and French forces into the Arab lands at the end of World War I, consequently, the San Remo Conference was held to put the Sykes-Picot Agreement into effect. The San Remo Conference was a meeting organized in San Remo on the Italian Riviera from April 19 to 25, 1920, between the leaders of the United Kingdom, France and Italy, as well as representatives from the United States and Japan (the Principal Allied Powers in World War I) to decide the fate of the former territories of the Ottoman Empire, one of the Central Powers defeated in the World War I. At its end, on April 25, 1920, the San Remo Conference issued a resolution to divide Greater Syria (Bilad al-Sham) into four sections: Syria, Lebanon, Jordan and Palestine. After setting the borders between them, it was agreed that Syria and Lebanon would be placed under the French mandate, while Iraq, Jordan and Palestine would be placed under the British mandate and to allow the implementation of the Balfour Declaration by establishing a national home for the Jews in Palestine (United Kingdom government, 24-25 April 1920). Subsequently, on July 24, 1922, the Council of the League of Nations approved the British mandate over Palestine.

## **5. Conclusion**

This study focused on studying the origins of the emergence of the Question of Palestine, which goes back to the emergence of the Zionist movement in the late nineteenth century and the imposition of the British Mandate on Palestine in 1922. Therefore, this study aimed to study the legal nature of the British Mandate over Palestine from the perspective of international law, in addition to studying The Zionist movement's claims regarding the Jews' historical and religious relationship with Palestine, thus determining the correct legal concept of the Question of Palestine in accordance with international law.

In this regard, the British government supported the establishment of a national homeland for the Jews in Palestine by imposing its mandate on Palestine, which aimed to gather the Jews in Palestine and establish a state for them there. Consequently, the interests of the Zionist movement were linked to the interests of British colonialism, which made the British government support the Zionist project in Palestine, thus establishing its influence in the Middle East and dismantling the Ottoman Empire. However, the British Mandate Deed contradicted the text of Article 22 of the League of Nations Covenant. On the other hand, modern medical studies have revealed that the origins of the current Jews do not go back to the descendants of the Prophet Israel (Jacob), who stayed for a period in ancient Palestine. Moreover, archaeological and historical discoveries in Palestine, as well as a European court ruling in this regard, have shown that the historical arguments and religious narratives invoked by the Zionist movement are completely inconsistent with the facts and facts on the ground in Palestine.

Accordingly, the importance of this study is evident in revealing that the goal behind the establishment of the State of Israel was the implementation of British and Zionist colonial plans that relied on unreal pretexts to legitimize their colonial vision in Palestine. Finally, the author faced difficulty in finding some sources for the events related to this study, such as the official sources for the Campbell-Bennerman conference that was held in the United Kingdom between the Western colonial countries under the auspices of the British government during the years 1905 to 1907, which aimed to plant a foreign body in the middle of the Arab region that would be loyal to the West with the aim of putting a barrier to the unification of the Arab and Islamic countries, thus preventing the return of the Islamic Empire again, but unfortunately, the author did not find any official sources related to the conference, even though the conference's proceedings and recommendations were circulated to the public, since the author committed to objectivity and reliable sources in this study, hence, the author recommends that researchers interested in the Question of Palestine, especially those in the United Kingdom, investigate and search in the archives of the British government to find any documents related to this regard, thus this reveals more of the true intentions behind the establishment of the State of Israel on the land of Palestine. In addition, the author recommends that researchers and honest international media investigate the facts that led to the suffering and tragedy of the Palestinians, which the Zionist media is trying to mislead, as the research conducted in this regard is limited and insufficient.

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