

## Session 2 – What is the Jewish State of Israel?

27 October 2021

Dr. Matthijsde Blois: How was the Jewish State of Israel created?

### Outline of the presentation

- **First Zionist Congress** in Basel (Basle), 29-31 August 1897, created World Zionist Organization (WZO) and adopted '**Basle Program**': "The aim of Zionism is to create for the Jewish people a home in Palestine secured by public law."
- **Balfour Declaration** 2 November 1917
- **San Remo Resolution** 25 April 1920
- **Mandate system League of Nations** (LoN) Article 22 Covenant LoN; principle of self-determination of peoples
  - o A- Mandates: Syria and the Lebanon; Mesopotamia (Iraq); Palestine
- **Mandate for Palestine** 24 July 1922: Jewish national home in Palestine, respect for civil and religious rights of all inhabitants;
  - o unique character of the Mandate: beneficiaries: the Jewish people (see Articles 2, 6, 7, 4.1 en 2)
  - o powers and duties of the Mandatory ( see Article 1) NB Palestine Order in Council 10 August 1922
  - o Jewish national home, Jewish state?
  - o Justification of the unique character of the Mandate: see Preamble: historical connection & grounds for reconstituting national home
  - o 'Jewish home in Palestine' or 'Palestine as Jewish home; NB Article 25 Mandate: Emirate Trans-Jordan;
  - o Retreat of the Mandatory (GB): (Churchill White Paper 1922; Passfield White Paper 1930; Peel Report 1937; McDonald White Paper 1939)
- **Partition Plan Res. 181 (II)** 29 November 1947

- **Declaration on the Establishment of the State of Israel** 14 May 1948
- **Legal Relevance Mandate via Article 80 UN Charter.**

Literature:

1. Norman Bentwich, "Mandated Territories: Palestine and Mesopotamia", 2 *British Yearbook of International Law* 48, 1921-1922, pp. 48-56.
2. Matthijs de Blois and Andrew Tucker, *Israel on Trial. How International Law is Being Misused to Delegitimize the State of Israel*, The Hague Institute for International Cooperation, Soest, 2018, 500 pp.
3. Matthijs de Blois, Bad Law and a Hard Case? The Impact of the *Wall* Advisory Opinion of the ICJ, in: Cedric Ryngaert, Erik Molenaar and Sarah Nouwen, *What's Wrong with International law? Liber Amicorum Alfred H.A. Soons*, Leiden, Brill/Nijhoff, 2015, pp. 94-113.
4. Matthijs de Blois, "The Unique Character of the Mandate for Palestine" (2016) 49(3) *Isr. L. Rev.* pp. 365-389.
5. Alan Dershowitz, *The Case for Israel* (Hoboken, New Jersey: John Wiley and Sons, 2003)
6. Martin Gilbert, *Exile and Return: The Emergence of Jewish Statehood* (London: Weidenfeld and Nicholson, 1978)
7. Howard Grief, *The Legal Foundation and Borders of Israel Under International Law: A Treatise on Jewish Sovereignty Over the Land of Israel* (Jerusalem: Mazo Publishers, 2008)
8. Theodor Herzl, *The Jewish State* (New York: Dover Publications, Inc., 2008)
9. Jonathan Schneer, *The Balfour Declaration. The Origins of the Arab-Israeli Conflict*, Bloomsbury, London, Berlin, New York, 2010.

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