



Abba Hillel Silver Collection Digitization Project

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MS-4787: Abba Hillel Silver Papers, 1902-1989.

Series I: General Correspondence, 1914-1969, undated.

Sub-series A: Alphabetical, 1914-1965, undated.

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Jewish Agency, terms of reference, 1948 undated.

July 6, 1948

Silver

The following is the text of the reply of the Provisional Government of Israel today conveyed to Count Folke Bernadotte, UN Mediator. It was signed by Moshe Shertok, Minister of Foreign Affairs:

"On behalf of the Provisional Government of Israel, I have the honor to offer the following observations on the suggestions presented by you under cover of your letter of June 27 as a possible basis for discussion in discharge of your task to 'promote a peaceful adjustment of the future situation of Palestine.'

"1. The Provisional Government of Israel noted with surprise that your suggestions appear to ignore the Resolution of the General Assembly of November 29, 1947, which remains the only internationally valid adjudication on the question of the future government of Palestine.

"The Provisional Government also regrets to find that in formulating your suggestions, you do not appear to have taken into account fully the outstanding facts of the situation in Palestine, namely, the effective establishment of the sovereignty of the State of Israel within the area assigned to it in the Assembly's resolution, and other territorial changes which resulted from the repulse of the attack launched against Israel by Palestinian Arabs and by the neighboring Arab States.

"2. The Provisional Government of Israel begs to recall that the Jewish people accepted the settlement laid down in the General Assembly's resolution as a compromise entailing heavy sacrifices on its part, and the territory assigned to the Jewish State as an irreducible minimum. It is indeed the conviction of the Provisional Government of Israel that the territorial provisions affecting the Jewish State now stand in need of improvement, in view both of the perils revealed by Arab aggression to the safety and integrity of Israel and of the results achieved by Israel in repelling this aggression. In this connection, the Provisional Government of Israel desires to point out that the territorial settlement laid down in the Resolution was based on partition of Western Palestine between the Jewish people and the Arab population of Palestine. Inclusion of the Arab portion of Palestine in the territory of one of the neighboring Arab states would fundamentally change the context of the boundary problem.

"3. The Provisional Government of Israel cannot agree to any encroachment upon or limitation of the free sovereignty of the people of Israel in its independent State. While it is the basic aim and policy of Israel to establish relations of peace and amity with her neighbors on the basis of closest possible collaboration

in all fields, international arrangements which may be necessary to give effect to this policy cannot be imposed upon Israel, but can only be entered into as a result of an agreement negotiated between the interested parties as free and sovereign States.

"4. The Provisional Government of Israel would be ready to accept the provisions concerning Economic Union as formulated in the Assembly's Resolution if all their basic premises were to materialize. This is not, however, the eventuality envisaged in your suggestions. The partner State whom the Israelis are invited to join in a Union is both in its political identity and in its geographical dimensions wholly different from the Arab State provided for in the Resolution. Jewish consent to Economic Union in the context of the Resolution cannot therefore be binding in the new situation. It must now be left to the free and unfettered discretion of the Government of Israel in the exercise of its sovereign rights to determine what arrangements should govern Israel's relations with her neighbor or neighbors in the field of economic cooperation.

"5. The Provisional Government of Israel must be particularly emphatic in its opposition to any infringement of Israel's independence and sovereignty as regards her immigration policy. Complete and unqualified freedom to determine the size and composition of Jewish immigration was the very essence of the Jewish claim to statehood. Recognition of the moral validity and the practical urgency of that claim in connection with the issue of immigration lay at the roots of its acceptance by the international world. There can be no question of any Israeli Government accepting the slightest derogation in favor of any joint or international body from Israel's sovereignty as regards control of her immigration policy.

"6. The Provisional Government of Israel was deeply wounded by your suggestion concerning the future of the City of Jerusalem, which it regards as disastrous. The idea that the relegation of Jerusalem to Arab rule might form part of a peaceful settlement could be conceived only in utter disregard of history and of the fundamental facts of the problem, which are:

"a) the association of Judaism with the Holy City;

"b) the unique place occupied by Jerusalem in Jewish history and present-day Jewish life;

"c) Jewish inhabitants constituted a two-thirds majority in the City before the commencement of Arab aggression and this proportion has greatly increased since then as a result of Arab evacuation;

"d) the whole of Jerusalem with only a few minor exceptions is now in Jewish hands;

"e) and not least the fact that after an exhaustive study of the problem and as a result of the overwhelming consensus of Christian opinion in its midst, the General Assembly resolved that Jerusalem be placed under an international regime.

"The Provisional Government of Israel must make it clear that the Jewish people in the State of Israel and the Jews of Jerusalem will never acquiesce in the imposition of Arab domination over Jerusalem, no matter what formal municipal autonomy and what right of access to Holy Places the Jews of Jerusalem might be allowed to enjoy. They will resist any such imposition with all the force at their command. The Provisional Government of Israel regrets having to say that your startling suggestion regarding Jerusalem, by encouraging false Arab hopes and wounding Jewish feelings, is likely to achieve the reverse of the pacifying effect which you undoubtedly had in mind.

"7. The Provisional Government of Israel does not find it necessary at this stage to comment upon the other points raised in your suggestions as it hopes that examination of its present observations on the major aspects of the scheme for a settlement tentatively outlined by you may cause you to reconsider your whole approach to the problem."

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Terms of Reference

I. To take evidence on and make study of all questions relating to Palestine, and report its recommendations thereon to the General Assembly; and without limitation of the foregoing, specifically

II. (a) To receive from the Mandatory an account of the administration of the League of Nations Mandate for Palestine;

(b) To make study and take evidence, including ~~unsubstantiated~~ evidence on behalf of the Jewish people and the existing non-Jewish communities in Palestine, ~~and to report~~, and to report to the General Assembly its conclusions and recommendations regarding

- (1) The said administration of the Mandate;
- (2) The economic and social conditions and potentialities of Palestine;
- (3) The problem of those Jews who have been the victims of persecution, including displaced persons and non-settled refugees, in relation to the Palestine question;
- (4) The future government of Palestine;
- (5) Immediate action with reference to the administration of the Mandate, including

immigration of displaced Jews, pending the consideration and final decision by the General Assembly on the recommendations provided for in paragraph II (b) (4) above.

III. The Committee of Inquiry shall proceed to Palestine and to such other countries as it may determine and is authorized to conduct hearings and take evidence in any place.

