



Abba Hillel Silver Collection Digitization Project

Featuring collections from the Western Reserve Historical Society and
The Jacob Rader Marcus Center of the American Jewish Archives

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

Series II: Harold P. Manson File (Zionism Files), 1940-1949, undated.

Sub-series A: Main Manson File, 1940-1949.

Reel
105

Box
36

Folder
260

Jewish Agency for Palestine, 1945.

PRESS RELEASE from

JEWISH AGENCY FOR PALESTINE

342 Madison Avenue

New York 17, N. Y. Murray Hill 2-8803

APR 27 1945

FOR IMMEDIATE RELEASE

STEPHEN S. WISE AND NAHUM GOLDMANN

DESIGNATED AS JEWISH AGENCY

EMISSARIES TO SAN FRANCISCO

- - - - -

New York -- Dr. Stephen S. Wise and Dr. Nahum Goldmann, both of New York, have been designated as special emissaries by the Executive of the Jewish Agency for Palestine, to represent that body at San Francisco. They will leave at once for San Francisco where they will act solely in that capacity.

A special memorandum setting forth the Zionist position on the establishment of Palestine as a free and democratic Jewish Commonwealth is being submitted to the Conference over the signature of Dr. Chaim Weizmann, president of the Jewish Agency. This memorandum after reviewing the legal status of the Jewish Agency and the history of the "undertaking contained in the Balfour Declaration and the Mandate for Palestine," declares:

"No action should be taken at the San Francisco Conference which would be inconsistent with or prejudicial to the special rights of the Jewish people under the Balfour Declaration and the Palestine Mandate, and all such rights shall be expressly reserved and safeguarded."

It points out that while the agenda of the Conference is intended to preclude consideration of specific territorial questions, the Conference will have under consideration questions affecting the future of the Mandates systems of the League of Nations, and "to this extent the Conference will bring into issue matters of vital concern to the rights of the Jewish people in respect to Palestine." It

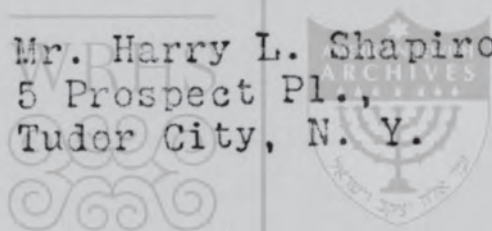
(more)

asks that no decision as the future of Palestine itself can be considered valid unless the Jewish Agency participates in the deliberations leading to that decision.

"In view of the unique character of the Palestine Mandate and the special rights of the Jewish people thereunder," the Memorandum states, "any plan which may be adopted for a mandates system or an international trusteeship in succession to the existing system of League of Nations' Mandates, should be sufficiently flexible and broad in scope to permit within its framework of the solution of the Palestine problem in accordance with the underlying intent and purpose of the Balfour Declaration and the Palestine Mandate."

Dr. Wise and Dr. Goldmann will have the cooperation in San Francisco of the Joint Committee representing the American Jewish Conference, the World Jewish Congress and the Board of Deputies of the British Jews. Members of the American Zionist Emergency Council who will be present in San Francisco will act in a consultative capacity to the Jewish Agency emissaries.

Mr. Harry L. Shapiro
5 Prospect Pl.,
Tudor City, N. Y.



MEMORANDUM

SUBMITTED TO THE UNITED NATIONS
CONFERENCE ON INTERNATIONAL OR-
GANIZATION, SAN FRANCISCO, CALI-
FORNIA, BY THE JEWISH AGENCY FOR
PALESTINE APRIL 1945.



MEMORANDUM

The United Nations Conference at San Francisco will have under consideration questions affecting the future of the Mandates system of the League of Nations. To this extent the Conference will bring into issue matters of vital concern to the rights of the Jewish people in respect to Palestine. It is understood that the agenda for the Conference is intended to preclude consideration of specific territorial questions and accordingly of any specific decision with regard to Palestine. Nevertheless, any general mandate or international trusteeship plan adopted by the Conference may directly or indirectly affect the rights of the Jewish people with regard to Palestine, and appropriate measures, more specifically set out at the conclusion of this Memorandum, must therefore be taken to safeguard those rights. It is for this reason that the Jewish Agency for Palestine, internationally recognized under the Mandate for Palestine as representing the interests of the Jewish people in regard to Palestine, submits this Memorandum for the consideration of the delegates of the United Nations Conference.

2. At the end of the first World War the age-old aspirations of the Jewish people to reestablish their national existence in their ancient homeland won international recognition. By the terms of the Balfour Declaration and the Mandate for Palestine the 51 member nations of the League of Nations as well as the United States, "gave recognition to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country." It thus became the common purpose of civilized mankind to put an end to the homelessness of the Jewish people and to afford that people the opportunity once again to achieve nationhood in Palestine.

Great Britain was designated by the nations as the Mandatory Power and was charged with the obligation to place Palestine under

such political, economic and administrative conditions as would secure the establishment of the Jewish National Home. To this end it was further specifically charged by the Mandate with the duty *inter alia* of facilitating Jewish immigration into Palestine and of encouraging close settlement by Jews on the land. It is clear, however, that Great Britain was not vested with the sovereignty of Palestine, but was given authority in that land only within the limits and for the purposes of the Mandate. In the words of Mr. Ormsby-Gore, speaking as British Secretary of State for the Colonies, "The Mandatory Power was administering on behalf of the League a territory of which it was not the sovereign". (XXXII, Permanent Mandates Commission Minutes, p. 85). Great Britain was in fact designated as the trustee of the Allied and Associated Powers and of the League of Nations for carrying out the purposes of the Mandate and was responsible for the faithful performance of the obligations which it thus assumed.

3. The underlying intent and purpose of this international covenant is clear and was authoritatively reaffirmed by the British Royal Commission on Palestine (1937). The declarations, as quoted by the Commission, of leading statesmen responsible for the undertaking leave no doubt that what was intended was to afford the Jewish people the right and opportunity by immigration and settlement to transform Palestine into a Jewish State. Mr. Lloyd George, Prime Minister at the time of the Declaration, was explicit to this effect and other members of the British Government at that time, including Lord Robert Cecil in 1917, Sir Herbert Samuel in 1919, and Mr. Winston Churchill in 1920, "spoke or wrote in terms that could mean only that they contemplated the eventual establishment of a Jewish State." General Smuts too, who had been a member of the Imperial War Cabinet when the Balfour Declaration was published, speaking in November, 1919 foretold an increasing stream of Jewish immigration into Palestine and "in generations to come a great Jewish State rising there once more."

That this was also the understanding of the American Delegation at the Peace Conference appears from the *Outline of Tentative Report and Recommendations* prepared by the Intelligence Section of that Delegation, in accordance with instructions, for the President and

Plenipotentiaries at the Peace Conference, dated January 21, 1919, which recommended:

"1. That there be established a separate state of Palestine.

"2. That this state be placed under Great Britain as a Mandatory of the League of Nations.

"3. That the Jews be invited to return to Palestine and settle there, being assured by the Conference of all proper assistance in so doing that may be consistent with the protection of the personal (especially the religious) and property rights of the non-Jewish population, and being further assured that it will be the policy of the League of Nations to recognize Palestine as a Jewish State as soon as it is a Jewish State in fact."

In line with this President Wilson on March 3, 1919 declared:

"I am persuaded that the Allied Nations with the fullest concurrence of our own Government and people are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth."

4. The undertaking contained in the Balfour Declaration and the Mandate for Palestine was thus unique and its objective is without parallel in any of the other League of Nations Mandates. It was an undertaking for the benefit of the Jewish people as a whole; and specific recognition was accorded by the Mandate to a Jewish Agency to speak and act on behalf of the Jewish people in matters affecting the establishment of the Jewish National Home. Thus under Article 4 of the Mandate the Jewish Agency is recognized "as a public body for the purpose of advising and cooperating 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 of Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country." Under Article 6 the Jewish Agency is entitled further to cooperate with the Administration in promoting close settlement by Jews on the land; and by Article 11 it is given a preferred status in respect to the construction and operation of public works and the development of the natural resources of the country.

5. The Jewish people responded to this opportunity with eagerness and devotion. The hope that after two thousand years of dispersion and persecution they would once again be restored as a nation in their own land released creative forces which have manifested themselves in a colonizing achievement unique in the history of migrations and settlement. In the course of twenty-five years the Jewish population of Palestine has grown from 60,000 to nearly 600,000. Two hundred and sixty agricultural colonies with a total population of 150,000 have been established; new cities have come into being; 2,000 factories and 4,000 small workshops employing over 60,000 workers have been set up; the Jordan has become a source of electrical power, and the development of the chemical resources of the Dead Sea has constituted a major contribution to the present war effort. Funds running into hundreds of millions of dollars have been provided, through the medium of the Jewish Agency as well as privately, by Jews in all parts of the world for Jewish immigration and settlement in Palestine and for the economic development of the country.

6. The achievements of the Jewish people in Palestine have accordingly amply justified the wisdom and statesmanship of the representatives of the Allied Powers in the last war in their historic decision to reconstitute the Jewish National Home. At the same time the full opportunity envisaged in the Mandate to rebuild the National Home was not granted to the Jews in practice. In disregard of the express purpose of that document and its explicit provisions favoring Jewish settlement in Palestine, Jewish rights were continuously whittled down on grounds of administrative and political expediency until with the promulgation of the British White Paper on Palestine of May 1939, (Cmd. 6019), the solemn promise made to the Jewish people was virtually nullified and the last hope of millions of homeless Jews was threatened with extinction. The White Paper seeks in effect to terminate all further Jewish immigration and settlement in Palestine and to ensure that the Jews shall remain a permanent minority of the population. Already today, apart from an insignificant number of immigration certificates still unused under the White Paper, no further Jewish immigration is possible in terms of the White Paper, and Jewish land acquisition and settlement have been prohibited throughout 95% of Palestine.

The Permanent Mandates Commission of the League of Nations has held the White Paper repugnant to the obligations imposed by the Mandate. Reporting to the Council of the League the majority of the Commission held that on no interpretation of the Mandate could the White Paper be deemed to be in conformity therewith, "any contrary conclusion appearing to them to be ruled out by the very terms of the Mandate and by the fundamental intention of its authors" (PMC XXXVI, p. 275). Britain's own great Prime Minister, Winston Churchill, has characterized the White Paper as constituting "a breach and a repudiation" of Britain's obligations under the Mandate.

7. This policy was the more deplorable as it coincided with a catastrophic deterioration in the position of European Jewry. The conditions which made imperative the reestablishment of the Jewish National Home a quarter of a century ago were intensified beyond the darkest forebodings, and the great mass of Europe's Jews finally fell victim to Nazi brutality. But the doors of Palestine remained closed to the vast majority of those who wished to escape to their National Home. No other haven was offered them and, unable to flee from Europe, some five millions were slaughtered during the years of Nazi occupation.

8. Liberation is now coming to the survivors of European Jewry, after millions of Jews have perished. But even today no adequate action is being taken to meet the crying needs of these survivors. Their physical and mental condition is in many cases beyond description. They have been uprooted and deprived of their means of livelihood. The positions which they once occupied have been filled by others, and despite the expulsion of the Nazis, the poison of anti-semitism has bitten too deep for any hope of an early restoration of their former status. In many places they are unwanted, and for the overwhelming majority Europe has become the graveyard of their families, of their fellow-Jews and of their hopes. They are clamoring to be admitted to the land internationally recognized as the Jewish National Home to begin life over again among their own people. More than ever it is necessary to open Palestine for unrestricted Jewish immigration and without further delay to bring about its transformation into a Jewish State.

9. In this connection the Jewish Agency for Palestine wishes to emphasize the determination of the Jewish people to establish the Jewish State as a free and democratic Commonwealth fully integrated within the appropriate international arrangements for the betterment of mankind and a stable and peaceful world. On behalf of the Jewish people it gives solemn assurance that the Jewish State will have scrupulous regard for the preservation of the personal and property rights as well as of the religious, linguistic and cultural rights of the Arab and other non-Jewish population of Palestine, and it pledges further the civil and religious equality of all the inhabitants of Palestine before the law. The inviolability of the holy places of the various religions shall be guaranteed by appropriate international agreement.

10. Jewish colonization of Palestine has from a long range point of view already contributed greatly to the economic progress of the Middle East. Since the last war the standards of the Arab inhabitants of Palestine, as a result primarily of Jewish immigration and development, have vastly improved. This development begins to reflect itself also in the neighboring Arab countries; and the establishment of the Jewish Commonwealth will further stimulate the process. The Arab countries of the Middle East are for the most part sparsely populated and greatly underdeveloped, and their peoples live in backwardness and poverty. They have before them a task of constructive growth and civilization which may well occupy them for generations to come. There is no contradiction between the establishment of a strong and firmly rooted Jewish Commonwealth in Palestine and the political and economic development of the Arab countries. On the contrary, though less than one percent in area as compared with these Arab countries, a Jewish Palestine can serve as a creative influence for the whole of that region.

11. In line with the original intention of the Mandate and of present day needs the following steps must now be undertaken:

- a. The immediate announcement of a determination by the responsible powers to reconstitute Palestine as a free and democratic Jewish Commonwealth, thus carrying out the underlying intent and purpose of the Balfour Declaration and the Mandate.

b. The abolition forthwith of all present restrictions and limitations on free Jewish immigration into Palestine and on the right of Jews to purchase and settle on the land there.

c. The vesting of the Jewish Agency for Palestine with full authority over immigration into Palestine and with the necessary powers for upbuilding the country, including the development of its unoccupied and uncultivated lands.

d. The extension to the Jewish Agency for Palestine of such financial and technical facilities on an intergovernmental basis as may be required to make possible large scale Jewish immigration and settlement.

e. The grant to the Jewish Agency for Palestine of the right of consultation and representation in any international conferences or commissions which may be set up insofar as such conferences or commissions may have before them matters affecting the future status of Palestine and the rights of the Jewish people with respect thereto.

12. We realize that no determination in this matter may be made at the San Francisco Conference in view of the exclusion of specific territorial questions from the agenda of that meeting. It is, however, imperative that effective safeguards be provided to assure and preserve Jewish rights pending action in fulfillment of the obligation to establish Jewish nationhood in Palestine. To that end we respectfully submit the following proposals for the consideration of the delegates to the San Francisco Conference:

a. In view of the unique character of the Palestine Mandate and the special rights of the Jewish people thereunder, no action should be taken at the San Francisco Conference which would be inconsistent with or prejudicial to the special rights of the Jewish people under the Balfour Declaration and the Palestine Mandate, and all such rights shall be expressly reserved and safeguarded.

b. The Jewish Agency for Palestine as the internationally recognized spokesman of the Jewish people shall be consulted

and given representation on any international bodies or commissions which may be set up insofar as they may have before them matters affecting the future status of Palestine and the rights of the Jewish people with respect thereto.

The present offers a unique opportunity for righting an historic wrong and solving a pressing international problem. The Jewish people which has suffered as has no other at the hands of the common enemy, looks to Allied victory for a solution of the age-old problem of Jewish homelessness. It is imperative that the nations of the earth, meeting to establish stable foundations for a peaceful world, should complete the task left unfinished after the last war, and now ensure the reconstitution of Palestine as a Jewish Commonwealth.

Respectfully submitted,

CH. WEIZMANN, *President*

THE JEWISH AGENCY FOR PALESTINE

April 1945

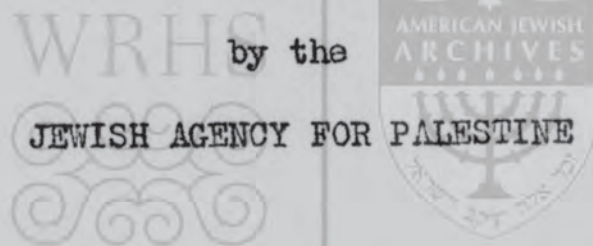


1400 HPM

SUPPLEMENTARY MEMORANDUM

Submitted to

THE UNITED NATIONS CONFERENCE ON INTERNATIONAL
ORGANIZATION, SAN FRANCISCO, CALIF.



May 8, 1945.

SUPPLEMENTARY MEMORANDUM

The Jewish Agency for Palestine, internationally recognized under the Mandate for Palestine as representing the interests of the Jewish people in regard to that country, has submitted to the United Nations Conference a Memorandum setting forth the rights of the Jewish people with respect to Palestine and the need for immediate action, and at the same time specifying the essential safeguards deemed necessary to protect those rights in the light of the agenda of the San Francisco Conference.

Pursuant to that agenda American, British and Australian Proposals have now been made public with regard to international trusteeship.

It is obvious that as the guardian of Jewish interests in regard to Palestine, the Jewish Agency cannot remain indifferent to whatever solution of the problem of trusteeship may be found at this Conference. It herewith respectfully submits its observations on the above three Proposals.

(1) Preservation of the Rights of the Jewish People in regard to Palestine

Neither the American nor the British Proposals make comprehensive provision for the preservation of existing rights and privileges under the Mandates of the League of Nations. Such a clause would be in accordance not only with the demands of justice and the theory of acquired rights, but also with the century old tradition of European and American history in accordance with which even war cannot be allowed to impair such vested rights and interests. The need for such a safeguarding provision is the more imperative by reason of the fact that the definition of the purposes of the trusteeship must necessarily be couched in terms too general to allow adequately for the unique character of the Palestine Mandate with its dynamics in matter of population and its objective of creating a National Home for a people still to come to the country.

The British Proposals as announced, contain a formula for the preservation of the rights of the Mandatory Power; the American Proposals make no mention at

all of the status quo ante, nor likewise do those of the Australian representatives. However, if the existing rights of the Mandatory Power are to be preserved, it is obviously fair that the rights of the beneficiaries of the Mandates should also be preserved.

It is therefore suggested that whatever the final text of the chapter on trusteeship, the following safeguarding clause should be included:

No trusteeship arrangement shall deprive any people or nation of any rights or benefits acquired or impair any obligations assumed under existing mandates held by members of the United Nations.

(2) Transition from the System of the Mandates of the League of Nations to the New System of Trusteeships

Since there is no legal continuity between the old League and the new International Organization, the problem arises by what procedure the Mandates of the League are to be transferred to the latter body. In this respect the Australian Proposals are silent. The British and the American Proposals, however, provide for agreements to be concluded in the one case between the new International Organization and the Mandatory Power, and in the case of the American formula by the countries "directly concerned."

It is submitted that the American formula is too vague and may exclude powers which should have authority on these matters and include others which should have no authority in regard thereto. On the other hand, the British Proposals, as they now stand, without any legal or political justification transfer rights held by a small group of powers to the totality of the United Nations.

It is suggested that both on legal and practical grounds the arrangements for the transfer of the mandates from one Organization to the other should be entrusted to the permanent members of the Security Council, to whom should be added any United Nation, not a member of the Security Council, holding a mandate, in so far as the future of the specific Mandate held by that power is to be decided.

The permanent members of the Security Council comprise in fact the three members of the Principal Allied and Associated Powers now members of the United

Nations who were responsible for the allocation of the Mandates at the end of the last war together with China and Russia whose major contribution in the present war would entitle them to participate in these decisions on trusteeship matters.

Trusteeship
It is therefore suggested that there be included in the chapter on ~~Mandates~~ the following clause:

The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the five permanent members of the Security Council together, in the case of any particular territory held under mandate by one of the United Nations not a member of the Security Council, with the nation holding such mandate, and should be appropriately approved.

(3) The Beneficiaries of the Trusteeship

All three Trusteeship Proposals regard the inhabitants ("dependent peoples" in the Australian proposals) of the countries under trust as the beneficiaries of the trusteeship system, for whose wellbeing and benefit the system is being created. While in virtually all other cases this definition is adequate, it is not sufficient with regard to Palestine in which case, in the terms of the Palestine Mandate, the beneficiary is the Jewish people as a whole to which are accorded inter alia rights of immigration and settlement. Without some safeguarding provision the danger may arise that by a narrow interpretation of the term "inhabitants" Jews not yet in Palestine may under this definition be excluded from entry and settlement there, and thus defeat the whole purpose of the Jewish National Home.

It is therefore suggested that there be included in the definition of persons to benefit from the new trusteeship system both the inhabitants of the trust territory and those for whose benefit any of the existing mandates may have been established.

(4) Trusteeships and the "Open Door"

The British and Australian Proposals make no reference to the "open door" in regard to trust territories. A clause on nondiscriminatory treatment in economic matters is, however, provided for in the American Proposals. Experience of

a similar clause (article 18) of the Palestine Mandate has shown that not merely is such a provision detrimental to the development of local industry, but it is liable to lead to abuse if safeguards are not provided in respect to treatment discriminating against the trust territory to which by reason of this clause it is powerless to retaliate.

It is therefore suggested that should the chapter on Trusteeship contain such a clause, it be subject to the principle of reciprocity, which is customary in trade relations and is traditional in foreign trade policy.

(5) Supervision

All three proposals agree on the necessity of having the administration of the Trust territories supervised in one form or another by the International Organization. Both the British and American Proposals provide for a Trusteeship Commission or Council broadly analogous to the Permanent Mandates Commission of the League of Nations. In addition, there is provision also for the jurisdiction of the Economic and Social Council (British Proposal) or for that of the General Assembly (American Proposal) or for both (Australian Proposal).

With regard to the Trusteeship Commission (or Council), while the British formula is very short the American goes into some detail as to procedure and composition.

It is submitted that the experience of twenty years of the Permanent Mandates Commission has proved beyond doubt the importance in these matters of an advisory body composed of specially qualified persons, appointed with security of tenure for long-term service, representing states with high standards of civilization, and enabled to exercise impartial judgment and to develop a code of international law in regard to such trusteeships. It is, furthermore, submitted that it would be advisable to have embodied in the final draft of the chapter on trusteeship a basic provision in regard to these matters as well as one to the effect that the majority of member states represented on the Commission or Council should be such as do not themselves administer trusteeship territories.

The next question is that of the organ to which the Trusteeship Commission (or Council), is to report, and by which action is to be taken where required. The jurisdiction of both the General Assembly and of the Economic and Social Council is couched in the Dumbarton Oaks proposals in such terms as not to indicate their capacity to act. On the other hand the individual trusteeship arrangements may seek to endow these two bodies with a competence beyond that provided for in the language of these Proposals. This may lead to constitutional conflicts, to avoid which it is suggested that Chapter V, Section B of the Dumbarton Oaks Proposals be supplemented by a new paragraph 9 to read as follows:

9. The General Assembly may assume such other duties and responsibilities as may be provided for in arrangements concluded under the auspices of the International Organization.

It is, furthermore, suggested that Chapter ~~XX~~, Section C lg be redrafted
as follows:

- g. To perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly or by special arrangements under the auspices of the United Nations, *International Organization.*

With regard to the question as to whether the Economic and Social Council or the General Assembly should be vested with the power to supervise the trusteeship and the work of the Trusteeship Council, it is suggested that there is no essential contradiction between the three Proposals, in view of the fact that pursuant to the Dumbarton Oaks Proposals the Economic and Social Council functions under the authority of the Assembly.

The problem therefore reduces itself to the wisdom of interposing, between the Trusteeship Council and the General Assembly, the Economic and Social Council. Clearly the Economic and Social Council is the appropriate supervisor of the Trusteeship Council. By its very nature, its social orientation in world affairs and its purpose to improve economic and social conditions generally, the Economic and Social Council has practically the same objectives on a world-wide scale, as has the trusteeship institution on a more limited scale. Furthermore it would

be desirable to discharge the Assembly from routine matters which may be successfully dealt with by the Economic and Social Council, thus limiting the functions of the Assembly to major issues only so far as trusteeship questions are concerned. It is submitted that the recognition in this way of these three organs of supervision will give to the population of the trusteeship areas and to the world at large a sense of confidence that justice will prevail in all cases.

(6) Conclusions

In conclusion and by way of summary it is suggested:

1. To include in the Chapter of the Charter of the United Nations dealing with international trusteeship a clause designed to preserve existing rights acquired under the mandate system of the League of Nations.
2. To center responsibility for the transfer of the League of Nations mandates to the authority of the United Nations in the hands of the permanent members of the Security Council together, in the case of any particular territory held under mandate by a United Nation not a member of the Security Council, with the nation holding such mandate.
3. So to define the beneficiaries of the trusteeship system as to take into account the rights of the Jewish people as a whole to Jewish immigration and settlement in Palestine.
4. To qualify provisions for non-discrimination or the "open door" in regard to trusteeship areas by imposing requirements of reciprocity.
5. To vest the General Assembly and the Social and Economic Council with powers sufficient to enable them to carry out their supervisory functions in regard to trusteeship areas; and to create a Trusteeship Council of such a character as to command confidence and authority, and such as would be capable further of developing a comprehensive and consistent system of Trusteeship Law. The establishment of such a system would indeed be among the most promising and challenging experiments in modern international relations.