

State of Israel: Proclamation of Independence (May 14, 1948)

The Proclamation of Independence was published by the Provisional State Council in Tel Aviv on May 14, 1948. The Provisional State Council was the forerunner of the Knesset, the Israeli parliament. The British Mandate was terminated the following day and regular armed forces of Transjordan, Egypt, Syria and other Arab countries entered Palestine.

The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and national identity was formed. Here they achieved independence and created a culture of national and universal significance. Here they wrote and gave the Bible to the world.

Exiled from the Land of Israel the Jewish people remained faithful to it in all the countries of their dispersion, never ceasing to pray and hope for their return and the restoration of their national freedom.

Impelled by this historic association, Jews strove throughout the centuries to go back to the land of their fathers and regain their statehood. In recent decades they returned in their masses. They reclaimed the wilderness, revived their language, built cities and villages, and established a vigorous and ever-growing community, with its own economic and cultural life. They sought peace, yet were prepared to defend themselves. They brought the blessings of progress to all inhabitants of the country and looked forward to sovereign independence.

In the year 1897 the First Zionist Congress, inspired by Theodor Herzl's vision of the Jewish State, proclaimed the right of the Jewish people to national revival in their own country.

This right was acknowledged by the Balfour Declaration of November 2, 1917, and re-affirmed by the Mandate of the League of Nations, which gave explicit international recognition to the historic connection of

the Jewish people with Palestine and their right to reconstitute their National Home.

The recent holocaust, which engulfed millions of Jews in Europe, proved anew the need to solve the problem of the homelessness and lack of independence of the Jewish people by means of the re-establishment of the Jewish State, which would open the gates to all Jews and endow the Jewish people with equality of status among the family of nations.

The survivors of the disastrous slaughter in Europe, and also Jews from other lands, have not desisted from their efforts to reach Eretz-Yisrael, in face of difficulties, obstacles and perils; and have not ceased to urge their right to a life of dignity, freedom and honest toil in their ancestral land.

In the second World War the Jewish people in Palestine made their full contribution to the struggle of the freedom-loving nations against the Nazi evil. The sacrifices of their soldiers and their war effort gained them the right to rank with the nations which founded the United Nations.

On November 29, 1947, the General Assembly of the United Nations adopted a Resolution requiring the establishment of a Jewish State in Palestine. The General Assembly called upon the inhabitants of the country to take all the necessary steps on their part to put the plan into effect. This recognition by the United Nations of the right of the Jewish people to establish their independent State is unassailable.

It is the natural right of the Jewish people to lead, as do all other nations, an independent existence in its sovereign State.

ACCORDINGLY WE, the members of the National Council, representing the Jewish people in Palestine and the World Zionist Movement, are met together in solemn assembly today, the day of termination of the British Mandate for Palestine; and by virtue of the natural and historic right of the Jewish people and of the Resolution of the General Assembly of the United Nations.

WE HEREBY PROCLAIM the establishment of the Jewish State in Palestine, to be called Medinath Yisrael (The State of Israel).

WE HEREBY DECLARE that, as from the termination of the Mandate at midnight, the 14th-15th May, 1948, and pending the setting up of the duly elected bodies of the State in accordance with a Constitution, to be drawn up by the Constituent Assembly not later than the 1st October, 1948, the National Council shall act as the Provisional State Council, and that the National Administration shall constitute the Provisional Government of the Jewish State, which shall be known as Israel.

THE STATE OF ISRAEL will be open to the immigration of Jews from all countries of their dispersion; will promote the development of the country for the benefit of all its inhabitants; will be based on the principles of liberty, justice and peace as conceived by the Prophets of Israel; will uphold the full social and political equality of all its citizens, without distinction of

religion, race, or sex; will guarantee freedom of religion, conscience, education and culture; will safeguard the Holy Places of all religions; and will loyally uphold the principles of the United Nations Charter.

THE STATE OF ISRAEL will be ready to co-operate with the organs and representatives of the United Nations in the implementation of the Resolution of the Assembly of November 29, 1947, and will take steps to bring about the Economic Union over the whole of Palestine.

We appeal to the United Nations to assist the Jewish people in the building of its State and to admit Israel into the family of nations.

In the midst of wanton aggression, we yet call upon the Arab inhabitants of the State of Israel to preserve the ways of peace and play their part in the development of the State, on the basis of full and equal citizenship and due representation in all its bodies and institutions—provisional and permanent.

We extend our hand in peace and neighbourliness to all the neighbouring states and their peoples, and invite them to co-operate with the independent Jewish nation for the common good of all. The State of Israel is prepared to make its contribution to the progress of the Middle East as a whole.

Our call goes out to the Jewish people all over the world to rally to our side in the task of immigration and development, and to stand by us in the great struggle for the fulfillment of the dream of generations for the redemption of Israel.

With trust in the Rock of Israel, we set our hand to this Declaration, at this Session of the Provisional State Council, on the soil of the Homeland, in the city of Tel-Aviv. . . .

UN General Assembly: Resolution 194 (December 11, 1948)

The General Assembly,

Having considered further the situation in Palestine,

1. Expresses its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. Establishes a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by the resolution of the General Assembly of 14 May, 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. Decides that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. Requests the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November, 1948, and to seek agreement by negotiations conducted either with the Conciliation Commission or directly with a view to the final settlement of all questions outstanding between them;

6. Instructs the Conciliation Commission to take steps to assist the Government and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. Resolves that the Holy Places—including Nazareth—religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposal for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most Eastern of which shall be Abu Dis; the most Southern, Bethlehem; the most Western, Ein Karim (in-

cluding also the built-up area of Motsa); and the most Northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative who shall cooperate with the local authorities with respect to the interim administration of the Jerusalem area;

9. Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. Instructs the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. Authorizes the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. Instructs the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. Calls upon all Governments and authorities concerned to cooperate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

UN General Assembly: Resolution 303, On the Internationalization of Jerusalem (December 9, 1949)

*The General Assembly,
Having regard to its resolution 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948,*

Having studied the reports of the United Nations Conciliation Commission for Palestine set up under the latter resolution,

I. DECIDES

In relation to Jerusalem,

Believing that the principles underlying its previous resolutions concerning this matter, and in particular its resolution of 29 November 1947, represent a just and equitable settlement of the question,

1. To restate, therefore, its intention that Jerusalem should be placed under a permanent international régime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem and to confirm specifically the following provisions of General Assembly resolution 181 (II):

(1) The City of Jerusalem shall be established as a *corpus separatum* under a special international régime and shall be administered by the United Nations; (2) The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority . . . ; and (3) The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, as indicated on the attached sketch-map; (*map not reproduced: Ed.*)

2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem, omitting the now inapplicable provisions, such as articles 32

and 39, and, without prejudice to the fundamental principles of the international régime for Jerusalem set forth in General Assembly resolution 181 (II) introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem;

II.

Calls upon the States concerned, to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will, and be guided by the terms of the present resolution.

State of Israel: Law of Return (July 5, 1950)

1. Every Jew has the right to immigrate to the country.
2. (a) Immigration shall be on the basis of immigration visas.
(b) Immigrant visas shall be issued to any Jew expressing a desire to settle in Israel, except if the Minister of Immigration is satisfied that the applicant:
 - (i) acts against the Jewish nation; or
 - (ii) may threaten the public health or State security.
3. (a) A Jew who comes to Israel and after his arrival expresses a desire to settle there may, while in Israel, obtain an immigrant certificate.
(b) The exceptions listed in Article 2 (b) shall apply also with respect to the issue of an immigrant certificate, but a person shall not be regarded as a threat to public health as a result of an illness that he contracts after his arrival in Israel.
4. Every Jew who migrated to the country before this law goes into effect, and every Jew who was born in the country either before or after the law is effective enjoys the same status as any person who migrated on the basis of this law.
5. The Minister of Immigration is delegated to enforce this law and he may enact regulations in connection with its implementation and for the issue of immigrant visas and immigrant certificates.