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31 March 1948

UNITED NATIONS PALESTINE COMMISSION

Communication Received from Jewish Agency Concerning
Provisional Council of Government for the Jewish State

The following communication has been received from the Jewish Agency for Palestine in reply to the letter addressed to it by the Commission on 29 March on the subject of the Provisional Council of Government for the Jewish State.

16 East 66th Street
New York 21, New York

March 31, 1948

Dr. Ralph J. Bunche
United Nations Palestine Commission
Lake Success, New York

Dear Dr. Bunche:

I want to thank you for your detailed communication of March 29 with reference to the Provisional Council of Government for the Jewish State. Permit me at the same time to express appreciation of your action in arranging for its delivery within a matter of hours after its consideration by the Commission. On behalf of the Jewish Agency I should like to offer the following observations:

1. From paragraph 1 of your letter we note with appreciation that the Commission continues to rely solely upon the Resolution of the General Assembly and plans to proceed, as far as possible, with the implementation of the Plan of Partition with Economic Union. Certain questions arise, however, in connection with the subsequent paragraphs of your letter, which we feel should be clarified without delay. In this connection I would like to point out that while your letter refers only to my letter of March 25 as setting forth our representations to the Commission on the subject of the Provisional Council of Government, we assume that in considering the matter the Commission gave due consideration to my oral submissions to them of March 18, in the course of which I dealt far more extensively with the subject than was possible in the space of a short letter, and, in fact, sought to anticipate some of the arguments advanced in your communication.

2. In paragraphs 3 and 4 of your letter emphasis is placed on the use in my own letter of March 25 of the terms "establish" and "establishment" in regard to the request that a Provisional Council of the Jewish State and also a Central Administrative Organ be set up. It would appear that a certain misunderstanding has arisen in this connection. Permit me accordingly, by way of clarification, to point out that what we had in mind and what was clearly explained in my oral statement was merely that action should be taken for the selection of the Provisional Council of Government and for the selection in turn by the Provisional Council of Government of the central administrative organ. It was not intended that these bodies should immediately proceed to exercise their functions.

3. We had proceeded on the assumption -- an assumption which was strongly reinforced by the position taken by the United Nations Palestine Commission itself in its conversations with the representative of the Mandatory Power concerning the Commission's arrival in Palestine -- that the Provisional Council of Government and the central administrative organ selected by it would require a period of preparation covering all of the six weeks remaining until May 15th. It would obviously be difficult to compress these preparatory steps within a shorter period, as for example, the two weeks prior to the termination of the Mandate. The fact is that without the authority conferred upon a duly selected Provisional Council of Government and through it on the central administrative organ, the necessary preparations could hardly be efficiently undertaken. As I had the opportunity of explaining orally to the Commission, unless those who are to be entrusted with the task of preparing for the functioning of the Provisional Council on the termination of the Mandate have the assurance that they will, in due course, be responsible for the full exercise of administrative authority, their efforts cannot be fully effective.

4. We are, of course, fully aware of the attitude of the Mandatory Power and its insistence on an undivided control pending the termination of the Mandate; though as it happens this control is actually being relinquished not only in certain areas, but also in regard to certain functions, as witness the gradual liquidation, without alternative arrangements, of the postal services. The Mandatory Power, however, has offered no objection to preparatory steps being taken by the Provisional Council of Government so as to enable it to assume responsibility immediately upon the termination of the Mandate. There is, therefore, nothing in the policy of the Mandatory Power to preclude the immediate selection of the Provisional Council.
5. We submit that the distinction made in the second paragraph of Part I B, 4, of the Plan between the selection of the Provisional Council of Government and the carrying out of its functions is of great importance. It indicates that the authors of the Resolution were fully aware of the contingency that a Provisional Council of Government might be selected, but unable to function. This is, in fact, what is happening in regard to the Jewish State, where a Provisional Council of Government can be selected, though it may be unable for the time being to carry out its functions. The situation is, of course, completely different as regards the Arab State, where there is no possibility even of selecting such a council. Under the above paragraph the Security Council should, by April 1, be informed of these two quite distinct situations. It is suggested that the section of the Commission's second monthly report, referred to in paragraph 5 of your letter, hardly dispenses with the obligation of the United Nations Palestine Commission to proceed with the selection of the Provisional Council of Government. In fact the Commission did not in that report express its inability to select a Provisional Government for the Jewish State. All it did was to indicate that such Council, if selected, would not be in a position to exercise its functions pending the termination of the Mandate on May 15.

6. Reference is made in your letter to the fact that while most of the representative Jewish democratic parties and other Jewish public organizations in Palestine have indicated that the Jewish Agency was entitled to speak for them, certain groups desire to consult directly with the Commission. We are in sympathy with this desire, but feel confident that the Commission will certainly not take the view that one or two such groups may be put in a position to hold up the formation of a Provisional Council of Government. That was certainly not the intention of the General Assembly when it recommended consultation with parties and organizations. The idea undoubtedly was, not to grant undue privileges to one or two groups, but to give to the Commission the opportunity to sound out opinion as broadly as possible among the democratic bodies as a whole -- a step which can certainly be undertaken even while the Commission is in New York. Moreover, the suggestion made by us regarding the possibility of co-option of additional members, would, if accepted, completely obviate the difficulty arising from the fact that not all the groups have not been consulted. On the other hand, the Commission will no doubt bear in mind the possibility that parties with an established position in public life and representing considerable sections of the community may refuse to share responsibility in a Provisional Council of Government with small and ephemeral groups which they regard as utterly unrepresentative.

7. In this connection, if we correctly understand paragraph 3a of your letter, the Commission is not of the opinion that the selection of the Provisional Council of Government must be postponed until the arrival of the Commission in Palestine, though it does take the view that the Provisional Council cannot function in the absence of the Commission as a supervisory organ. We are entirely in accord with this point of view and would like to assure the Commission that the Provisional Council of Government

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selected by the Commission at Lake Success will not assume any powers without the authority of the United Nations Palestine Commission as long as the Commission will continue to exercise its functions, and will keep in closest possible touch with the Commission while undertaking its preparatory work. Therefore, the problem of delegating authority or exercising supervisory control need not arise until the Palestine Commission is on the spot. This, we believe corresponds with the view expressed in the concluding sentence of paragraph 3a of your letter.

8. We note with gratification the intention expressed by the Commission in the concluding paragraph of your letter to proceed with the steps necessary for the selection of the Provisional Council of Government. We believe that the time has come for this selection to take place without further delay; and we are ready to provide any additional information or assistance that may be required to this end.

Sincerely yours,

Moshe Shertok