

RESTRICTED
12 February 1948.

UNITED NATIONS PALESTINE COMMISSION

DRAFT NOTE

for Sir Alexander Cadogan

1. In connection with a number of points of detail referring to the transfer of authority from the Palestine Administration to the United Nations Palestine Commission, it was agreed, that before proceeding to a discussion of the separate items, the position of His Majesty's Government in the United Kingdom with relation to the Palestine Commission should be clarified.
2. It is the view of the Commission that the status of Palestine, as a separate territorial entity, is not substantively affected by the termination of the Mandate. Although the United Nations has not inherited the political functions of the League of Nations, Palestine continues to be a territory under international administration, in the sense that its administration constitutes an international responsibility.
3. It is submitted that His Majesty's Government in the United Kingdom has in principle recognized that Palestine is a concern of the United Nations. By a letter of 2 April 1947, the United Kingdom Government indicated its intention to ask the Assembly to make recommendations concerning the future Government of Palestine.
4. At the twenty-fifth meeting of the Ad Hoc Committee on the Palestinian Question, the United Kingdom Representative, in making clear the extent to which the role assigned to his Government -- not to participate in the implementation of a plan of partition -- stated that: "If a scheme of partition were approved and a United Nations Commission set up, the Palestine Government would, when the time came, hand over its authority to that Commission" (Summary Record A/AC.14/SR.25).
5. On the adoption by the General Assembly of the Resolution on the future Government of Palestine, on 29 November 1947, the United Kingdom

Representative declared that he had been instructed "to express the hope that the United Nations Commission will get into communication with His Majesty's Government in the United Kingdom in order that arrangements may be agreed for the arrival of the Commission in Palestine and for coordination of its plans with those of the Mandatory Power for the withdrawal of British Administration and British Military Forces" (A/PV.128, pp. 89-90). Subsequently, liaison was instituted between the United Kingdom Government and the Palestine Administration on the one side and the Commission on the other.

6. In the Commission's view, the above statements and the intercourse established imply a recognition of the Commission as the successor of the Government of Palestine. It is to be noted that the Resolution of the General Assembly establishes the Commission as the authority possessing sovereign powers in Palestine during the period between the termination of the Mandate and independence. The transfer of authority from the Mandatory Power to the Commission therefore appears to be in the nature of a change of Government.

7. The Commission has had no indication that provisions are being made to turn over the administration of Palestine to any other organized Government after the termination of the Mandate. It would appear contrary to the meaning of the Mandate if the Mandatory Power terminated the Mandate without previously having made any arrangements for an orderly and timely transfer of authority.

8. The Commission would appreciate to have at an early date the United Kingdom Government's views on the subject, and in the meantime, has the honour to request the United Kingdom Government and the Palestine Administration to take no unilateral steps prejudicial to a final settlement of this question, especially with regard to budgetary arrangements for the fiscal year commencing April 1, 1948 and to the granting of benefits to servants of the Palestine Administration, on the termination of the Mandate.