

GENERAL
ASSEMBLYASSEMBLEE
GENERALEA/AC.21/W.6
10 January 1948

ENGLISH ONLY

UNITED NATIONS PALESTINE COMMISSION

Considerations Affecting Certain of the Provisions of the General
Assembly Resolution on the "Future Government of Palestine":

Relations with the Provisional Councils and Establishment by the
Latter of Administrative Organs of Government.

(Working Paper Prepared by the Secretariat)

I. RELATIONS BETWEEN THE COMMISSION AND THE
PROVISIONAL COUNCILS OF GOVERNMENT

1. The necessity for the Commission to exercise "administrative responsibility" apart from its responsibilities for the execution of the plan of partition with economic union derives from the fact that the Mandatory Power has clearly stated that it wants to hand over not to Arab and Jewish authorities, but to the United Nations Commission alone. The plan, however, provides that the Commission shall establish in each State as rapidly as possible a Provisional Council of Government whose activities "shall be carried out under the general direction of the Commission". (Part I, B, paragraph 4).

2. The phrase "under the general direction" implies that the Commission will as far as possible rely on the Provisional Councils of Government for the day-to-day administration of each State, but that it shall give the necessary directions for the effective carrying out of the plan of the General Assembly. This interpretation of the phrase "general direction" is borne out by the following provision of Part I, B, of the plan:

RECEIVED

/ "5. Subject to the

"5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulations."

3. "Authority over matters of immigration and land regulations" is one of the main demands of the Jews of Palestine. Such authority has been granted by the Assembly to the future Provisional Council of Government of each of the proposed States, but "acting under the Commission." The latter will accordingly be responsible for the policy of the Provisional Council of Government. It will be necessary for the Commission to maintain its powers of supervision and control, and without unduly encroaching on the "full authority" of the Provisional Council of Government, direct its policy in such a way that the carrying-out of the plan should not be jeopardised by unwise action.

4. The plan does not provide that the Commission shall have to transfer at once to the Provisional Councils of Government the authority handed to it by the Mandatory Power on the termination of the Mandate.

Paragraph 6 of Part I B reads as follows:

"The Provisional Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the States' independence."

5. Responsibility for administration cannot be transferred to the Provisional Councils of Government until they have established "administrative organs of government, central and local". (see Section II below).

6. Responsibility for the maintenance of law and order cannot be transferred to the Provisional Councils of Government until they have recruited an armed militia. Paragraph 8 of Part I, B, reads as follows:

"The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

/"The armed

"The armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission."

As the plan does not provide that the Commission will be assisted by a police force other than the contemplated Arab and Jewish militias after the withdrawal of British forces from any area of Palestine, the necessity for the Commission to set up rapidly the Provisional Councils of Government which shall recruit the militias need not be emphasized. If the Arabs persist in their policy of non-cooperation, the selection and establishment of an Arab Council of Government acting under the direction of the Commission and the recruitment of an Arab militia controlled by the Commission may prove impossible. The Commission would have to report the fact to the Security Council. As regards the Jewish State, it may be expected that the Hagana will be ready to act as a State militia, under the "general political and military control" of the Commission.

7. In progressively transferring "full responsibility" to a Provisional Council of Government for the administration of a State the Commission will probably wish expressly to reserve to itself the rights conferred on it for the execution of the plan. It should oppose any action by a Provisional Council of Government which would be contrary to the plan and should, if necessary, report to the Security Council.

II. ESTABLISHMENT BY THE PROVISIONAL COUNCILS OF GOVERNMENT OF ADMINISTRATIVE ORGANS OF GOVERNMENT, CENTRAL AND LOCAL.

1. Paragraph 7 of Part I-B of the Plan adopted by the General Assembly reads as follows:

"The Commission shall instruct the Provisional Councils of Government, after their formation, to proceed to the establishment of administrative organs of government, central and local".

2. Prior to the formation of the Provisional Councils of Government and with a view to giving them the necessary instructions when they are formed, the Commission will have to consider what can be maintained of the present administrative organs in Palestine in order to ensure as smooth a transition as possible from the existing machinery to the future administration.
3. Negotiations with the Mandatory Power appear necessary with a view temporarily to maintain a certain number of administrative officers and experts who may be willing to serve first under the Commission when it takes over from the Mandatory Power and later either under the Commission to give it expert advice or under one of the Provisional Councils of Government which may also need their experience. It may be assumed that most Jewish officers of the present Administration would be willing to give such assistance; some British officials and Arab officers might also be ready to serve temporarily.
4. The following is a brief survey of the present administration of Palestine:

A) Central Government

- (1) High Commissioner, assisted by an Executive Council, which is a cabinet of higher officials. The Chief Secretary, Attorney-General and Financial Secretary are ex-officio members of the Executive Council.

(2) Advisory Council, which is consulted by the High Commissioner before the promulgation of any Ordinance. Its members are the members of the Executive Council, the heads of major government departments and the District Commissioners.

(3) Chief Secretary, principal executive officer of the Government, assisted by a Secretariat, including the Central Translation Bureau (Arabic and Hebrew Translators).

(4) Attorney General, who is the Chief Legal Adviser. His office inter alia, drafts all legislation, except the by-laws of local authorities.

(5) Financial Secretary, Chief Adviser on financial and economic matters; primarily responsible for the preparation of the annual budget. His office forms part of the Secretariat organization.

(6) Judiciary, headed by the Chief Justice, assisted by four Puisne Judges (2 British, 2 Palestinian). For the present organization of the judiciary in Palestine (Supreme Court, district court, magistrates' courts, land courts, etc., see Survey of Palestine, Vol. I, page III, paragraph 10).

(7) Accountant-General, charged with the oversight of revenue and expenditure. As Currency Officer, he represents the Currency Board in London, which watches over the interests of Palestine as far as currency is concerned.

(8) Administrator-General. He and the Accountant-General are the Commissioners for Stamp-Duty. He also performs the functions enumerated in the Survey of Palestine. (Vol. I, page 113, paragraph 15).

(9) Director of Agriculture and Fisheries.

(10) Antiquities Department.

(11) Audit Department, an overseas department of the Colonial Audit Department, London. It audits the accounts of the

Government, the municipalities and local councils.

(12) Director of Broadcasting.

(13) Director of Civil Aviation (including meteorological service)

(14) Registrar of Cooperative Societies.

(15) Director of Customs, Excise and Trade.

(16) Director of Education.

(17) Department of Forests.

(18) Department of Health.

(19) Commissioner of Income Tax.

(20) Labour Department.

(21) Director of Land Registration.

(22) Department of Land Settlement, (including the staff of the Water Commissioner).

(23) Migration Department.

(24) Palestine Police Force, under the command of the Inspector-General and officered in June 1947 by 479 British and Palestinian officers. The other ranks comprised at that date 5,271 British district police and 3,218 Palestinian district police; 1,929 Jewish Settlement Police, formed primarily for the protection of Jewish rural colonies; 5,053 Palestinian temporary additional police (general) employed on guard duties; 1,240 temporary additional police (railways and ports); 13,481 Jewish special constables in Jewish settlements and 1,516 Jewish or Arab special constables in urban areas. (The possibility of making the Palestine police force more able than it now is to cope with the situation created by the progressive withdrawal of British forces will be one of the questions which the Commission will have to discuss. It may have to request the Mandatory Power to strengthen that force and to distribute it in Palestine in the various areas according to existing needs).

- (25) Department of Posts and Telegraphs.
- (26) Printing and Stationery
- (27) Prisons Department.
- (28) Public Information Office.
- (29) Public Works Department.
- (30) General Manager of Railways and Harbours.
- (31) Director General of Social Welfare.
- (32) Government Statistician.
- (33) Surveys Department.
- (34) Town-Planning Department.
- (35) Trans-Jordan Frontier Force, maintained in part out of the Palestine budget. Its duties have been partially in Palestine and partially in Transjordan. (The question of the advisability of the use of this force in the proposed Arab State will have to be discussed with the Mandatory Power. It is clear that it could not be used for the policing of the proposed Jewish State).
- (36) Department of Veterinary Services (These services formed part of the Department of Agriculture up to April 1947).

B) Local Government

Palestine is divided into six administrative districts under the control of a District Commissioner, who reports to the Chief Secretary. Each Commissioner is assisted by a Deputy District Commissioner and one or more Assistant District Commissioners. All are British. There are sixteen sub-districts which are normally in charge of a British Assistant District Commissioner. Certain of them are in charge of Palestine (Arab or Jewish) District Officers. There are also Palestine District Officers in charge of administrative sub-divisions of district activity. 32 Arabs and 11 Jews serve as district officers. It is questionable whether their present connection with the Mandate Administration

will help all these officers to use their experience of local government under the Provisional Councils of Government which will be set up. The Commission might, however, find employment for some of them, in view of their knowledge of local conditions and administrative practice.

5. It results from the above survey of existing central and local organs of government in Palestine that a complex machinery of the colonial type in which very few, if any, indigenous officers are used in key posts, may collapse when the British administrators are withdrawn, unless a strenuous effort is made to replace them by a new and efficient personnel. Such an effort will certainly be made in the Jewish State and it is likely that the Jewish Agency will be able to submit a workable plan for the administration of that State. As regards the proposed Arab State, no plan may be forthcoming on the Arab side and a more or less chaotic situation may arise. In this case the ability of the Commission to deal with such a situation would, it seems, depend to a great extent on the support it would receive from the Security Council.