

(A/AC.14 - Sub.1)
?

14 November 1947

AD HOC COMMITTEE ON THE PALESTINIAN QUESTION
SUBCOMMITTEE 1

WORKING GROUP ON IMPLEMENTATION

REVISIONS OF SECTIONS A AND B OF PART I
OF THE MAJORITY RECOMMENDATIONS OF UNSCOP

(Portions awaiting consideration and approval
by the Working Group are indented and have
marginal notes)

(Portions in brackets are pending the decision
of the Subcommittee on the City of Jerusalem)

RECOMMENDATIONS

A. Termination of Mandate, Partition and Independence

1. The Mandate for Palestine shall terminate on 1 May 1948, and the armed forces of the Mandatory Power shall be withdrawn from Palestine by that date.

2. Independent Arab and Jewish States shall come into existence in Palestine on 1 July 1948, or at such earlier date subsequent to 1 May 1948 as the United Nations Commission, referred to below, recommends and the Security Council approves. (The City of Jerusalem shall be administered under trusteeship by the United Nations.) The boundaries of the Arab State, the Jewish State, and the City of Jerusalem are described in Parts II and III below.

3. The period between the adoption by the General Assembly of recommendations on the question of Palestine and the proclamation of the independence of the Jewish and Arab States shall be a transitional period.

B. Steps Preparatory to Independence

1. There shall be a Commission appointed by the General Assembly of 5 members representing..... (small powers - names to be inserted later).

2. The administration of Palestine during the transitional period shall be entrusted to the Commission, acting in conformity with the recommendations of the General Assembly, under the guidance of the Security Council.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The Mandatory Power shall not issue any regulation to prevent or obstruct the implementation by the Commission of the measures recommended by the General Assembly.

With a view to ensuring that there shall be continuity in the functioning of administrative services and that on the termination of the Mandate the whole administration shall be in charge of the Provisional Councils, acting under the Commission, there shall be a progressive transfer, from the Mandatory to the Provisional Councils of Government, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the Mandatory have withdrawn.

a. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the recommendations of the General Assembly on the partition of Palestine.

b. The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 Provisional Councils of Government cannot be selected for both of the States, or, if selected, cannot carry out their functions, the Commission shall communicate that fact to the Security Council for such action as the Security Council may deem proper and to the Secretary-General for communication to the Members of the United Nations.

c. The Provisional Council of Government of each State, not later than 6 months after its formation but in any case before 1 July 1948, shall hold elections to the Constituent Assembly on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States, respectively.

Women may vote and be elected to the constituent assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

d. The Constituent Assembly of each State shall draft a democratic Constitution for its State and choose a provisional Government to succeed the Provisional Council of Government appointed by the Commission. The Constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in C. below and include inter alia, provisions for:

- (1) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature.
- (2) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered,
- (3) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

- (4) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association.
- (5) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine (and the City of Jerusalem), subject to considerations of national security; provided that each State shall control residence within its borders.

- (6) Recognize the rights of the Governor of the City of Jerusalem to determine whether the provisions of the constitution of the States in relation to Holy Places, religious buildings and sites within the borders of the States and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions in cases of disputes which may arise with respect to such Holy Places, buildings and sites; also accord to him full co-operation and such privileges and immunities as are necessary for the exercise of his functions in those States.

UNSCOP, p. 49, B-4-f.

e. The Provisional Councils of Government of both the Arab and Jewish States, after their formation, shall proceed, under the supervision of the Commission, to the establishing of administrative organs of government, central and local.

f. 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.

This 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.

3. 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 matters of immigration and land regulation.

Alternative text to replace paragraphs 3-a and 4 submitted by USSR.

4. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the Mandatory Power in Palestine shall maintain order and direct the main public services, to the extent that these have not yet been placed fully or partially, under the direction of the Commission and national (Jewish or Arab) administrative bodies. The Commission shall assist the Mandatory Power in the carrying out of these functions. Similarly the Mandatory shall co-operate with the Commission in the execution of its functions.

5. The Provisional Councils of Government, acting under the Commission, shall have full responsibility for the administration of Palestine in the period, if any, between the termination of the Mandate and the establishment of the two independent States.

6. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue.

point 7 of Working Group text.

Addition

Suggested by Canada.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission had previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.