



# PROPOSED NEW CONSTITUTION FOR PALESTINE

*Presented by the Secretary of State for the Colonies to Parliament  
by Command of His Majesty  
March 1936*

LONDON

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1. The attached statement was issued by the High Commissioner for Palestine in December, 1935. After introductory remarks made by the High Commissioner to the Arab and Jewish leaders, the statement sets out the main substance of the Government's proposals for the new Constitution, viz., the composition of the Legislative Council, the powers and duties of the Council, and the powers and duties of the High Commissioner. The statement is self-explanatory, but in order to make the intentions of Government quite clear under paragraph 3 of the Scheme it should be stated that it is proposed that each of the three communities should have its own electorate, i.e., provision will be made for the Moslems to elect eight members, for the Jews to elect three members, and for the Christians to elect one member.

2. It is contemplated that, in addition to the matters covered by the summary in the High Commissioner's statement, provision will be made on usual lines for such matters as election machinery and offences, precedence of members, reservations of Bills and disallowance of Ordinances. Provision will also be made that English, Arabic and Hebrew, which are the three languages officially recognized in Palestine, may be used in debates.

3. Some considerable time will necessarily elapse before the draft of the Order, by means of which the new Constitution will be established, can be completed for submission to His Majesty in Council.

J. H. THOMAS.

Colonial Office.

12th March, 1936.

## LEGISLATIVE COUNCIL

**Address by Sir A. Wauchope to Arab and Jewish Leaders—21st and 22nd December, 1935.**

1. Before explaining Government proposals as to the establishment of a Legislative Council for Palestine, in accordance with the pledge given by His Majesty's Government, I wish to recall to your minds that ever since the statement I made at Geneva some three years ago I have given much thought, and sought the opinions of others, before deciding the lines on which a Legislative Council should be formed.

2. I said at Geneva that before forming a Legislative Council I wished to see the working of Municipal Councils under the Municipal Corporations Ordinance.

These Municipal Councils are now in my judgment working satisfactorily, and I feel confident that if Government proposals for a Legislative Council are put into force, the Council will work for the general good of the people of Palestine.

3. The intention of His Majesty's Government in amending the Constitution of Palestine by introducing a Legislative Council is, in accordance with its long established tradition and common practice, to secure the advice and assistance of the people of the country in carrying on the government of the country. It is, as you know, one of our obligations to secure the development of self-governing institutions.

In order to secure these objects, we propose to throw open to the Council a wide field for debate and to impose on its deliberations such restrictions only as are essential to enable the High Commissioner to discharge his responsibilities and to fulfil the international obligations of His Majesty's Government.

I feel convinced that the Council will approach its duties with a real sense of responsibility, and will appreciate the difficulties of many of the problems which will come before it.

Consequently I am confident that the occasions for applying these restrictions will be rare, and will not detract from the fundamental motive underlying our proposals, namely, that of securing through the Legislative Council the welfare and advancement of the people of Palestine.

Good order and security of person and property are essential to the welfare of every State, but goodwill is the basic element of well being; it is my belief that by means of this Legislative Council we shall find the road whereby good order may be ensured and goodwill enhanced.

Much of the history of Palestine of the next few years may well depend on the statesmanship and sense of responsibility which you leaders show towards the working of this Council.

In to-day's meeting I shall go through the main proposals which have been approved by His Majesty's Government.

I shall ask your advice on certain points which still remain undecided until I have heard your opinion.

As I go through the main proposals I shall be glad if gentlemen will raise questions on any matters which are not quite clear.

If the answer is simple I will give it to-day; otherwise I will send it in writing.

The first matter which I will explain is the composition of the Council.

## SCHEME OF THE LEGISLATIVE COUNCIL.

### 1. COMPOSITION OF THE LEGISLATIVE COUNCIL.

The Legislative Council will consist of 28 members made up as follows :—

5 official.

11 nominated unofficial.

12 elected.

			<i>Elected.</i>	<i>Nominated.</i>	<i>Official.</i>
Moslems	...	...	8	3 (including 1 Bedu)	—
Jews	...	...	3	4	—
Christians	...	...	1	2	—
Commercial	...	...	—	2	—
Officials	...	...	—	—	5
			12	11	5
			—	—	—

The allotment of the seats in the Council as among elected members is based upon the numbers of the different communities in the total population of Palestine: no revision of that distribution is contemplated within the five years' term of the Council.

The person presiding over the deliberations of the Council will be called the *President* (Arabic—Rais; Hebrew—Yoshev-Rosh) and will be appointed from outside Palestine.

In the event of an equality of votes a casting vote will be exercised by the senior official member.

A quorum will consist of six members.

The High Commissioner will have the right to open any Session of the Council or may address the Council or send a message thereto.

The normal life of the Council will be five years. The normal Sessions of the Council would cover three months and, if found convenient, may be divided into two Sessions of six weeks each, the Sessions being held at periods convenient for the discussion of public business.

If any community refuses to take part in the Election, the High Commissioner will have the power to nominate either British officials or such persons as he may think fit, to their seats in the Council.

## 2. POWERS OF THE PRESIDENT.

The President will be some impartial person unconnected with Palestine, probably with judicial experience. He will neither debate nor vote.

## 3. METHOD OF ELECTION.

Elected members will be elected by direct election.

The question whether the number of constituencies will be equal to or fewer than the number of the elected members will be settled by the High Commissioner in consultation with leaders.

## 4. QUALIFICATION OF VOTERS.

(a) No literary test and no money test.

(b) Either Palestinian citizenship or legal residence in Palestine for two or three years preceding the date of registration as voters. This provision will apply to the first election and to any by-elections of the first Council only. It is proposed that in any future elections only Palestinian citizens should be allowed to vote.

(c) Twenty-five years of age.

(d) It is left for each community to decide whether it wishes its women to have the right to vote or not.

## 5. QUALIFICATION OF MEMBERS OTHER THAN OFFICIAL MEMBERS.

(a) No person can be elected as a member of the Council who is less than 30 years of age.

(b) An elected member must be a Palestinian citizen.

## 6. PAYMENT OF MEMBERS.

Members other than official members will be paid. The amount of the salary I suggest is £200 or £300 per annum.

## 7. POWERS AND DUTIES OF THE LEGISLATIVE COUNCIL.

Subject to securing the fulfilment of the international obligations of His Majesty's Government, and the High Commissioner's

powers to maintain law, order, and good government, the Legislative Council will have the following rights and duties:—

(i) to debate on all Bills introduced by Government, to amend and to pass them for assent or dissent by the High Commissioner;

(ii) to introduce Bills, except Money Bills, subject to the consent of the High Commissioner;

(iii) to consider and debate on the annual budget; there would be a general debate and then the Estimates would be passed as a whole, after examination in Committee. There would be a limit set to the number of days during which the Estimates could be discussed. Any member moving a reduction of a vote would be required to state his reasons for doing so;

(iv) to propose any question of public interest for debate, provided that no vote for the expenditure of public money or the imposition of taxation may be proposed except by the direction of the High Commissioner, nor any resolution which in the opinion of the High Commissioner is likely to endanger the public peace;

(The Council will have an opportunity of debating when dealing with the budget or in reply to the Address or on resolutions);

(v) to ask questions of the Executive relative to the administration of government.

#### 8. THE POWERS AND DUTIES OF THE HIGH COMMISSIONER.

The powers and duties of the High Commissioner under the new Constitution must be of such a nature as to enable him to carry on the work of Government and to fulfil the international obligations of His Majesty's Government.

After a Bill has been passed by the Legislative Council it will not become a Law until it has been assented to by the High Commissioner.

If the High Commissioner shall consider that it is expedient in the interests of public faith or good government that any measure should have effect, then if the Council fail to pass any such measure within such a time as the High Commissioner may think reasonable and expedient, the High Commissioner may cause any such measure to be introduced, and, if it is not then passed within a time specified by the High Commissioner, he may declare that any such measure shall have effect. It shall thereupon be an effective law.

If in the opinion of the High Commissioner urgent necessity shall arise when the Council is not sitting for measures to be taken for the maintenance of public order and security or for urgent

expenditure or otherwise in the interests of good government, the High Commissioner in Executive Council may, with the approval of the Secretary of State, pass Ordinances directing the necessary measures to be taken.

He will have the power to prorogue or dissolve the Council.

The High Commissioner will also have the power in exceptional circumstances and with the approval of His Majesty's Government to postpone the holding of general elections after dissolution beyond the normal interval of twelve months.

The determination of labour immigration schedules will rest as heretofore with the High Commissioner; but it will be open to any unofficial member of the Legislative Council to move a resolution of objection or criticism in respect of any schedule.

9. No resolution or amendment to a Bill shall be moved in the Council which, in the opinion of the President,

(a) calls in question the validity of the Mandate accepted by His Majesty in respect of Palestine or suggests that the Mandate should be abolished or ought to be disregarded; or

(b) would be offensive to the Ruler or the Government of any neighbouring territory, or any foreign State, in friendly relations with His Majesty.

10. *Standing Orders* will in the first instance be drawn up by the High Commissioner with the approval of the Secretary of State and thereafter may be amended by the Legislative Council subject to the approval of the High Commissioner.

The Draft Standing Orders are now with the Secretary of State, and will be shown to you as soon as they are approved.