

GENERAL  
ASSEMBLYASSEMBLEE  
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## UNITED NATIONS PALESTINE COMMISSION

## SUMMARY RECORD OF THE FORTY-FOURTH MEETING

Lake Success, New York

Wednesday, 25 February 1948, at 2.00 p.m.

## Present:

Chairman:	Mr. Lisicky	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federspiel	(Denmark)
	Mr. Morgan	(Panama)
	Mr. Francisco	(Philippines)
Secretariat:	Mr. Bunche	(Secretary)

REPORT BY MR. FEDERSPIEL ON NEGOTIATIONS WITH THE MANDATORY POWER  
CONCERNING TRANSFER OF ADMINISTRATIVE RESPONSIBILITY

Mr. FEDERSPIEL (Denmark) submitted to the Commission a communication received by him from the United Kingdom delegation concerning Termination of the Mandate, Contracts of Employment and Compensation Terms (Informal Paper UK/42).

He informed the Commission that in the course of his consultations with Mr. Fletcher-Cooke a number of points had been raised in connection with the transfer of authority, covering such matters as decentralization, abolition terms, fiscal arrangements, the Aqir airfield, relations with the Postal Union, Currency Board, payments to the Supreme Moslem Council, international treaties and conventions entered into by the Palestine Government, etc., and also, in a general way, the question of legislation.

He observed that Memorandum "A" of the United Kingdom delegation on the Legal Meaning of the "Termination of the Mandate" (Informal Paper UK/42) was satisfactory. It recognized the Commission as the successor Government of Palestine upon the termination of the United Kingdom Mandate after 15 May, its title resting on the resolution of the General Assembly. The point regarding the question of the sovereignty of

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thought to be quite unimportant for the specific task  
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assigned to the Commission. As regards the transfer of the assets of the Government of Palestine, he was informed that the Mandatory Power would deal with it immediately.

In connection with Memorandum "B" of the United Kingdom delegation on Contracts of Employment (Informal Paper UK/42), Mr. Federspiel drew the attention of the Commission to the underlying view it contained, namely, that all the employees of the Palestine Administration were servants of the Crown of the United Kingdom and that their contracts of employment would automatically be terminated upon the termination of the Mandate. He had argued that point at length with Mr. Fletcher-Cooke but to no avail. At any rate, the main consideration, as far as the Commission was concerned, was, he thought, the fact that on 28 February 1948, the Mandatory Power would issue a statement to the staff of the Palestine Administration making clear the terms under which staff contracts would be terminated. Two kinds of benefits would be paid - compensatory or abolition benefits, and statutory or contractual benefits. He had not gone into details concerning the terms, but had requested Mr. Fletcher-Cooke to do whatever possible to stop the benefit payments until the position of the Commission on this matter was made clear. The payments would of course be guaranteed meanwhile, and the Commission could take up the matter in further detail. He pointed out that the Commission might lose many employees by the premature payments of benefits, and that, on the other hand, an embarrassing situation might arise if these same employees, upon receipt of the termination benefits, were to offer their services to the Commission after 15 May.

In view of the forthcoming statement by the Palestine Administration, Mr. Federspiel suggested that the Commission should issue a statement similar to the statement of 28 February. There were many questions to be taken into consideration in drafting the statement. Consideration would have to be given to the means whereby an offer could be made to the present employees of continued employment on terms not less favourable than the present terms. That would involve the question of guaranteeing pension and other rights. The Commission would also have to consider the possible refusal of some of the staff to work under it. In no case could the Commission enter into a discussion with employees regarding its reliability as an employer compared to that of the former employer, the Crown of the United Kingdom. On the other hand, the Commission would have to consider whether the refusal to work by the present employees could be seen in the light of a strike or of a breach of contract. He did not think it could be so interpreted. The Commission had further to consider the  
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possible eventuality of Arab employees who would refuse to serve under the Commission and would at the same time accept employment in whatever Arab administration was set up after having collected all the benefits receivable upon the termination of their present employment. Such a possibility should be avoided. Also the possibility had to be taken into account that even Jewish employees might not return to work for the Commission once they had been paid their benefits.

For all these reasons it was important to request the Mandatory Power to withhold the payment of the benefits for the time being, although there was no objection to their proceeding with their plans to come to some arrangements with the employees. At the same time, the Commission would have to issue its own statement simultaneously with the Administration's statement advising the employees that it would continue to employ them, and that if it failed to do so the benefits would be paid.

Mr. Federspiel further stated that he had discussed with Mr. Fletcher-Cooke the financial implications arising from the termination of contracts, and called the attention of Members to Note "C" and the three Appendixes attached to it (Informal Paper UK/42). He stated that the sums involved were not so enormous as he had expected but were nevertheless heavy enough. If all the present employees were to leave the service the maximum total to be paid would be 2,800,000 Palestinian pounds. Payments to expatriate employees, British and other non-Palestinian, would be very much less than half of that sum. The so-called Earned Leave Commitments would amount to 340,000 Palestinian pounds, and various other commitments would amount to 286,000 Palestinian pounds. The guaranteed annual pensions amounted to 1,000,000 Palestinian pounds. A commitment called "compensatory additional pensions", which was not clear to him, amounted to 60,000 pounds. The total payments to the expatriate officers would amount to 211,000 Palestinian pounds, while the total payments to non-expatriate payments would amount to 724,000 pounds. Of the latter group, one-third were Jews and two-thirds Arabs.

Mr. Federspiel concluded by repeating that there were many other matters which he had discussed with the United Kingdom delegation regarding the transfer of administrative responsibility, but they were not as pressing as those on which he had just reported.

In the ensuing discussion regarding the proposed issuance by the Commission on 28 February of a statement to the employees of the Palestine Administration, one view was whether it was not necessary to  
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first establish the Provisional Councils of Government, as laid down in the Assembly resolution, before the Commission could make any financial commitments on behalf of the population of Palestine. The Assembly resolution had provided for the gradual transfer of authority, which recommendation would be disregarded by the proposed procedure. However, it was pointed out that in paragraphs 4 and 5 of Memorandum "A" (Informal Paper UK/42) the Commission was recognized as the legal authority upon the termination of the Mandate, that therefore after 15 May Palestine would become the responsibility of the Commission and that provision had to be made for that time. It was further explained that the Commission was taking no action which was not legal since the Mandate under Article 22 of the Covenant of the League of Nations had no provision for its termination. The General Assembly had accepted the responsibilities of the Mandate as from 15 May, and as for the interim period the Commission was accepting no financial commitments. In this particular case the Commission would merely issue a statement to the staff of the Palestine Administration explaining that the administrative policy of the Mandatory Power would remain unchanged under the Commission.

It was decided to issue the statement as proposed; the statement would be couched in terms similar to the Statement of Policy regarding Continuance in Service of Employees of the Palestine Administration (Informal Paper W/4).

Mr. FEDERSPIEL (Denmark) was charged with drafting the statement for the Commission's approval.

The meeting rose at 2.58 p.m.

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