

THE CONTINUANCE OF POSTAL SERVICES IN PALESTINE  
AFTER THE TERMINATION OF THE MANDATE

(Working Paper Prepared by the Secretariat)

1. At the twenty-seventh meeting of the Commission, Mr. Fletcher-Cooke, Assistant of the Representative of the Government of the United Kingdom, stated: "The Postmaster General has advised the Government of Palestine that since the Palestine postal administration is represented by the United Kingdom as a contracting party at the International Postal Union, its withdrawal will have to be notified to the Union. Any future postal administration can adhere to the Union by notifying the Government of the Swiss Confederation, which, in its turn, advises the governments of all countries of the Postal Union..."
2. The Universal Postal Union Convention was signed at Cairo, on 20 March 1934.\* Palestine was not amongst the signatories, although the "Levant States under French Mandate (Syria and Lebanon)", were. Nevertheless, in virtue of Article 9\*\* of the Convention, the United Kingdom Government on signing the instrument, declared that the Convention applied to Palestine.

\* Treaty Series No. 4048.

\*\* Article 9 reads as follows:

## APPLICATION OF THE CONVENTION TO COLONIES, PROTECTORATES, ETC.

1. Any Contracting Party may declare, either at the time of signing, of ratifying, of acceding, or later, that its acceptance of the present Convention includes all its colonies, overseas territories, protectorates or territories under suzerainty or under mandate, or certain of them only. The said declaration, unless made at the time of signing the Convention, must be addressed to the Government of the Swiss Confederation.
2. The Convention shall apply only to the colonies, overseas territories, protectorates or territories under suzerainty or under mandate in the name of which declarations have been made in virtue of section 1.
3. Any Contracting Party may, at any time, forward to the Government of the Swiss Confederation a notification of the withdrawal from the Convention of any colony, overseas territory, protectorate or territory under suzerainty or under mandate in the name of which it has made a declaration in virtue of section 1. This notification shall take effect one year after the date of its receipt by the Government of the Swiss Confederation.
4. The Government of the Swiss Confederation shall forward to all the Contracting Parties a copy of each declaration or notification received in virtue of sections 1 to 3.
5. The provisions of this Article shall not apply to any colony, overseas territory, protectorate or territory under suzerainty or under mandate which is mentioned in the preamble of the Convention.

3. The Universal Postal Union Convention was signed at Buenos Aires on 23 May 1939\*. This time, the preamble of the Convention mentioned amongst the signatories: "The whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate"\*\*.

4. The purposes of the Universal Postal Union are defined in Article 1 of the Convention as follows:

"The countries between which the present Convention is concluded form, under the name of Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence.

"The purpose of the Postal Union is also to assure the organization and perfection of the various international postal services".

5. Under Article 8 of the Convention of 1939, the whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate were considered as forming a single country or a single administration of the Union, in the sense of the Convention and Agreements, particularly in regard to their right to vote in Congresses and Conferences and in the interval between meetings, as well as their contribution to the expenses of the International Bureau of the Universal Postal Union.

6. The Convention does not expressly provide for a case such as the case of Palestine. It is, therefore, a question of construction, as to what the position of Palestine will be, with regard to the Postal Union and the countries of the Union, in the period between the termination of the Mandate and independence.

Palestine, although not mentioned by name, was amongst the signatories as one of the territories under British Mandate. However, the Postal Administration of Palestine, being the Administration of a mandated territory, was not considered as a separate unit but, under Article 8 of the Convention, as forming a single administration together with the administrations of the whole of the British colonies and other British Mandates. It is therefore clear that, after the termination of the Mandate:

\* Treaty Series No. 4742.

\*\* The Convention was again revised at Paris on July 1947. This last Convention however will not come into force before 1 July 1948.

(a) Palestine will not have the right of voting in Congresses or Conferences of the Postal Union;

(b) No contribution toward the expenses of the Bureau will have to be paid by the United Kingdom Government for Palestine.

It is, however, by no means clear whether the termination of the Mandate per se affects the position of Palestine with regard to the application of the Convention; that is, whether Palestine, after the termination of the Mandate, will still be considered a party to the Convention, as regards its application. It is to be noted that, while the Convention provides in Article 9 for denunciation of the application of the Convention with regard to mandated territories for which a Contracting Party made a declaration by virtue of Article 9, it does not provide for denunciation with regard to Mandates enumerated in the Preamble, as Palestine. On the other hand, Article 12 of the Convention providing for withdrawal from the Union does not apply to the present case.\*

It is submitted that the action of the United Kingdom Government, outlined in the third paragraph of the letter addressed by Mr. Fletcher-Cooke to Mr. Bunche on 10 February, will not affect the position of Palestine with regard to the application of the Convention within the territory of Palestine. Nevertheless, a clarification of the situation and a readjustment, to be effected in consultation with the International Bureau of the Universal Postal Union, would be necessary.

7. The action of the United Kingdom Government outlined in the letters of Mr. Fletcher-Cooke appears to be the correct one. It is only natural that the United Kingdom Government cannot accept any responsibility for postal transactions in Palestine after the termination of the Mandate. The responsibility of insuring the continuance of normal postal services will then belong to the Commission. Among others, the Commission shall have to issue new stamps.

8. The Commission should notify the Universal Postal Union that in accordance with the Resolution of the General Assembly, as from 15 May, it will assume responsibility for postal services, and will maintain them

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\* Article 12 reads as follows:

"Each Contracting Party shall be free to withdraw from the Union or to cease to participate in the Agreements by notice given one year in advance through diplomatic channels to the Government of the Swiss Confederation and by that Government to the Governments of the contracting countries."

as far as possible in accordance with the Provisions of the Postal Convention. The Commission should also consult with the International Bureau of the Universal Postal Union at Berne, on the arrangement to be effected. That arrangement may envisage either the adherence of Palestine to the Convention, in accordance with Article 2 of the Convention\*, or it may be of a provisional character. It is understood that, after the establishment of the City of Jerusalem, and the independence of the two States, it will be for these new territorial units to adhere to the Convention.

9. It is suggested that while notification in principle should be made at once, it would be premature to decide on any restriction or suspension of services in certain areas.

10. The Commission should address its communication to Mr. Charles Murri, Secretary-General of the International Bureau of the Universal Postal Union at Berne. Under Article 24 of the Convention, the Bureau serves as an organ of liaison, information and consultation for the countries of the Union. Before advising, the Secretary-General of the Union may consult with the Executive Council of the Postal Union which is due to meet next month. It should be noted that by Article 6 of the Agreement between the United Nations and the Universal Postal Union (already adopted by the General Assembly but coming into force on 1 July 1948), the Union agreed to co-operate with and to give assistance to the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

\* Article 2 reads as follows:

"Any country is permitted at any time to adhere to the Convention. Notice of the adhesion shall be given through diplomatic channels to the Government of the Swiss Confederation, and by the latter to the Governments of all the countries of the Union".