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UNITED NATIONS PALESTINE COMMISSION

The question of continued employment of
Palestine civil servants

The attached correspondence exchanged between Dr. Stavropoulos and the Palestine Government, concerning the on continued employment of Palestine civil servants, is communicated for consideration of the Commission.

9 April 1948

Dear McGeagh:

Many thanks for your letter of 9 April on the subject of the re-employment of Palestine Government Officers.

I am afraid my letter of 7 April was misunderstood. This letter dealt solely with the position of officers having signed a form expressing their wish to be re-employed; it did not deal with those who refuse re-employment, in whose case the final decision rests with the High Commissioner. It is not, therefore, incorrect to say that those officers who sign a form of re-employment forfeit their right to the compensatory benefit and Disturbance Grant, if that form is considered an acceptance of an offer of re-employment.

Although after the penultimate paragraph of your letter the question whether the Commission's statement may be regarded as a definite offer of employment is of an academic character, I should like to point out the following as is well known, the reason why the Commission made its statement was to avoid disintegration of the services after it was made clear that the Palestine Government was to terminate all the civil servants of the Administration. That is why the statement is in the nature of a declaration of policy rather than an offer of employment addressed to individual officers. However, I take it that the position of the Palestine Government in that the signature of a re-employment form at the present time does not, in itself, disqualify an officer from receiving compensatory benefits in due course, if such re-employment provided.

Yours sincerely
C. STAVROPOULOS

PALESTINE COMMISSION ADVANCE GROUP

W. McGeagh, Esq.,
Secretary,
Local Government
Secretariat.

Csu/38/47

CHIEF SECRETARY'S OFFICE,
JERUSALEM,
PALESTINE.

9TH April 1948

Dear Stavropoulos,

Many thanks for your letter of the 7th April, on the subject of the re-employment of Palestine Government officers.

It is incorrect to say that the payment of compensatory benefits and disturbance grant to an officer is dependent on his signing a re-employment form. The position is that there a definite offer of employment on his existing terms is made to a non-expatriate officer by a successor authority and refused, compensatory benefits (as distinct from statutory abolition benefits) will be payable only where the High Commissioner is satisfied that there is good cause for refusal of the offer. It was explained in General Circular No. 10 of the 16th March, of which you have been given a copy, that it is unlikely to be feasible, in the large majority of cases, to decide for some time the issues involved in the question whether an officer has good cause to refuse the offer of continued employment made to him by the United Nations Commission. He will therefore be paid his statutory abolition benefits in the meantime.

The communication of the Commission to all employees of the Palestine Administration in this connection, as received by this Government by telegram, reads as follows:-

"The United Nations Palestine Commission being under the terms of the Resolution of the General Assembly responsible for the administration of Palestine immediately following the termination of the mandate hereby calls upon all present employees of the Palestine Administration to continue in their service with the successor authority in Palestine when the British withdrawal is terminated. It is the policy of the United Nations Palestine Commission as the successor authority in Palestine when the British withdrawal is terminated. It is the policy of the United Nations Palestine Commission as the successor authority to maintain services on the same terms and with the same rights for employees as those employed under the Mandatory Government...."

This communication has been regarded by this Government as a definite offer of employment, which in fact it appears to be, since it calls upon officers to continue in the service of the Commission.

The possibility that the Commission might not be in a position to provide the employment which it called upon officers to accept has been borne in mind by this

Government in postponing the decision of the questions involved in refusal to sign a re-employment form. Nor does the signature of a re-employment form at the present time in itself disqualify an officer from receiving compensatory benefits in due course, if such re-employment otherwise offered to him by successor authority, I hope that this will make our view of the position clear to you but if you wish to clear up any points I suggest that you do so direct with Gibson or Lindsay according to whether it is specifically a legal or personnel aspect which you wish to discuss.

Yours sincerely,
(signed) W.R. McGEAGH
(W.R. McGeagh)

7 April 1948

Dear McGeagh:

Yesterday I was informed by two representatives of the Jewish Officers of the First and Second Divisions respectively, that they are considering discontinuing forwarding to the Advance Party re-employment forms. The reason given was that since the policy of the Palestine Government is to make a payment of compensatory benefits and Disturbance Grant to each individual officer dependent on his signing a re-employment form, they are now confronted with the danger of forsaking those benefits without knowing whether, in fact, they will be re-employed, or when, or by whom.

It would seem that the Government considers the statements made by the Palestine Commission as a "definite offer of employment" and the signed forms of re-employment as an acceptance. In view of the history of this question, I venture to suggest that the statements of the Palestine Commission were no more than simple statements of policy. Neither could they properly be considered as an offer of employment, nor the wish expressed in the re-employment forms as an acceptance. It is to be observed that these forms merely express a wish of the individual officer to continue employment "with the Successor States, the City of Jerusalem or the Joint Economic Board", that is, non-existent entities to be formed, according to the plan of the Assembly, not before 1 October 1948. Moreover, it appears to me that the Palestine Commission could with competence make a definite offer of employment only after having assured it is governmental duties in Palestine.

I am afraid that should an opposite interpretation prevail it would lead to the unjust conclusion that officers would be deprived of their rights, not because in fact they were re-employed, but solely because they expressed a wish to be re-employed.

I should like, therefore, to make the suggestion that the matter be re-examined - especially in the light of the recent evolution of the question - with a view to readjusting the policy of the Government to the requirements of the present situation.

W. McGeagh, Esq., Secretary,
Local Government, Secretariat.

Yours sincerely,
C. STAVROPOULOS
PALESTINE COMMISSION ADVANCE GROUP

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