



UNITED STATES CONCILIATION COMMISSION FOR PALESTINE
COMMITTEE ON JERUSALEM
SYNOPSIS OF

- 1) Constitution of the Free City of Danzig
- 2) State of the Tangier Zone
- 3) Permanent State of the Free Territory of Trieste
- 4) Draft Statute for Jerusalem prepared by the Trusteeship Council

(WORKING PAPER PREPARED BY THE SECRETARIAT)

	I FREE CITY OF DANZIG	II TANGIER ZONE (Statute provisionally re- established by the Anglo- French agreement of 21 August 1945)*	III FREE TERRITORY OF TRIESTE (Permanent Statute)	IV CITY OF JERUSALEM (Draft Statute prepared by the Trusteeship Council)*
Legal basis	The Constitution of the City (See Official Journal of "The League of Nations" December 1930) was based upon the Articles 100 to 108 of the Treaty of Versailles Polish-Danzig Agreement of 9 November 1920	Convention regarding the Organization of the Tangier Zone, signed by Spain, France and United Kingdom on 18 Dec. 1923, as revised by the agreement, signed by Spain, France, United Kingdom and Italy on 25 July 1928.**	Article 21 of the Treaty of Peace with Italy and Annex VI containing the Permanent Statute of the Free territory.	The resolution of the General Assembly of 29 Nov. 1947 which requested the Trusteeship Council to elaborate and approve a detailed Statute for the City of Jerusalem
Area involved	The Free City and the territory attached thereto which formed a Free State under the name of the "Free City of Danzig" (Art. 1 of the Constitution)	The Zone comprises the town and district of Tangier within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of 27 Nov. 1912 (Art. 2 of convention 1923)	Defined in Art. 1 of Statute which refers back to Art. 4, 5 and 22 of the Treaty.	The municipality of Jerusalem together with the surrounding villages and towns, the most eastern of which is Abu Dis, the most southern Bethlehem, the most wester Ein Karim and the most northern Shufat (Art. 2, para. 1).
Definition of regime	A Free State placed under the protection of the League of Nations which guaranteed its Constitution	No proper definition of regime which <i>Oppenheim-Lauterpacht</i> (International Law 7 ed. Vol. I p. 420) describes as "a curious combination of a protectorate and a condominium". The Contracting Parties (Spain, France, U.K. and Italy) declare however (revised Art. 1 of Conv. 1923) that the maintenance of public order and the general administration of the Zone shall, under the powers delegated by the Sultan of Morocco be entrusted to the authorities and bodies mentioned in the Convention.	The Free Territory of Trieste is recognized by the Allied and Associated Powers and by Italy which agree that its integrity and independence shall be assured by the Security Council of the United Nations (Art. 21, para 1 of the Peace Treaty and Art. 2 of Statute).	The City of Jerusalem is constituted as a <i>corpus separatum</i> under the administration of the United Nations in accordance with the Plan of Partition with Economic Union (Art. 1, para. 1 of Statute)
Demilitarization and neutralization	The City could not without the previous consent of the League in each case: (1) serve as a military or naval base (2) erect fortifications (3) authorize the manufacture of munitions or war	The Zone is placed under a regime of permanent neutrality and no military establishment or installation which can be used for war-like purposes, may be either created or maintained (Art.	Provided for in Art. 3 of Statute	Provided for in Art. 5.

	material on its territory (Art. 5 of Constitution)	2 of Conv. 1923)		
Principal Executive Authority	A High Commissioner residing in Danzig appointed by the Council of the League for a period of three years. Subject to an appeal by either party to the Council of the League, the High Commissioner decided all disputes between the Free City and Poland arising under the Treaty of Versailles of any arrangements or agreements made thereunder.	The formal sovereignty over the Zone appears still to be with the Sultan of Morocco represented in Tangier by a Mendoub who exercises certain executive functions including the direct administration of the native population. But the Committee of Control consisting of the career consuls of the Powers signatories to the Act of Algeciras is invested with right of veto and other important powers.	A Governor shall be appointed by the Security Council after consultation with the Governments of Yugoslavia or Italy or of the Free Territory. He shall be appointed for five years and may be reappointed. His salary and allowances shall be borne by the United Nations (Art. 11, para 1.)	The Governor of the City shall be appointed for three years by the Trusteeship Council and be responsible to that Council. He shall not be a citizen of the City, the Arab States or the Jewish State (Art. 10 and 11).
Administration	A Senate composed of twelve members elected by the Popular Assembly conducted on its own authority the administration of the State (Art. 25 and 39(b)).	Administration of the Zone is entrusted to an Administrator, with assistant administrators for finances, health and relief, and justice (revised Art. 35)	Subject to the responsibilities vested in the Governor under the Statute, executive authority in the Free Territory shall be exercised by a Council of Government which will be formed by the popular Assembly and will be responsible to the Assembly (Art. 13, para. 1).	The Trusteeship Council shall appoint a Chief Secretary on the recommendation of the Governor who appoints the administrative staff, including an Attorney General. A Council of Administration shall be established (Art. 16).
Common public services	Provision was made for establishment of offices for the permanent administration or supervision of the different branches of the Public Services (Art. 58)		The Free City may negotiate with Yugoslavia and Italy agreement for the purpose of ensuring the efficient and economical operation of its railways (Art. 31).	Commercial concessions regarding public services granted before 29 November 1947 remain, in principle, in force (Art. 32, para. 5)
Maintenance of public order	The Senate had, among other duties, the duty to provide for the safety and common welfare of the State and to issue all regulations necessary for this purpose (Art. 39(f))	Public Security in the Zone is assured exclusively by a force of native gendarmes placed at the disposal of the administrator.	The Governor shall appoint a Director of Public Security who shall not be a citizen of Yugoslavia or Italy (Art. 27, para 1 and 2). The Government of the Free Territory shall be empowered to maintain a police force and security services (Art. 28, para 1).	The Governor shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order. He shall also organize and direct a special police force to assist in this task and especially to protect the Holy Places, religious building and sitse in the City (Art. 14)
Legislative authority	To be passed into law bills must be adopted in the same form by the Senate and the Popular Assembly which consisted of seventy-two deputies (Art. 6 and 73 par 1).	The legislative powers are vested in an international legislative assembly under the presidency of the Mendoub and composed of the representatives of the foreign and native communities (Art. 32 par. 1)	The legislative authority shall be exercised by a popular Assembly consisting of a single chamber elected on the basis of proportional representation by the citizens of both sexes of the Free Territory (Art. 12)	A Legislative Council shall be established, composed of forty members of which eighteen are to be elected by Arab residents, 18 by Jewish residents and 4 by others (Art. 20, 21 and 22).
Judicial system	The constitution and competence of the Courts to be prescribed by law (Art. 63)	An international jurisdiction called the Mixed Court of Tangier is responsible for the administration of justice over nationals of foreign powers. It is composed of Magistrates of Belgian, British, Spanish, French and Italian nationality (revised Art. 48 part. 1). Disputes arising in regard to the interpretation and application of the provisions of the Convention is to be referred to the Permanent Court of International Justice, or by agreement, to the Permanent Court of Arbitration at the Hague (Art. 54)	The judicial authority in the Free Territory shall be exercised by tribunals established pursuant to the Constitution and laws of the Territory (Art. 14). The Constitution shall guarantee the complete freedom and independence of the Judiciary and shall provide for appellate jurisdiction (Art. 15). The Governor shall in principle appoint the Judiciary from among candidates proposed by the Council of Government (Art. 16 para. 1).	An independent judicial system, including a Supreme Court and other courts, shall be established by legislation (Art. 17, para 1). Members of the Supreme Court are to be appointed by the Trusteeship Council, other judges by the President of the Supreme Court with the approval of the Governor (Art. 27, para. 3 and 4). The Supreme Court will seize itself of conflicts regarding jurisdiction between religious courts or between religious and civil courts (Art. 27, para. 5). The Supreme Court will furthermore have original and appellate jurisdiction in all cases involving claims that any law or administrative act is incompatible with the Statute (Art. 28, para. 1)
Human rights	Part II of the Constitution was entitled "Fundamental rights and duties" and provided in the first Article (Art. 71) that fundamental rights and duties should govern the direction and determine the scope of legislation, the administration of justice and the conduct of public	Subject to the observance of public order, freedom of worship is assured in the Zone (Art. 11)	The Constitution shall ensure to all persons without distinction as to ethnic origin, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly	Protected by Art. 7 of Statute, which (para. 1) that all persons shall enjoy freedom of conscience and shall, subject only to the requirements of public orders, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of

	affairs. Detailed rules were laid down with respect to individuals (Art. 72-90), public servants (Art. 91-95), religion and religious associations (Art. 96-100), education and schools (Art. 101-109) and economics (Art. 110-115).		and association. Citizens shall be assured of equality of eligibility for public office (Art. 4).	religion and worship, language education, speech and press, assembly and association, and petition (including petition to the Trusteeship Council).
Citizenship	The Constitution provided (Art. 72) that nationality of the State should be acquired and forfeited in accordance with the provisions laid down by law.		Original citizenship in the Free Territory provided for domiciled Italian citizens who thereby lose Italian citizenship (Art. 7, para 1). However, possibility for option in which case return to Italy within one year may be required (Art. 6, para 2 and 3). Acquisition of citizenship for other persons to be determined by Constituent Assembly and embodied in Constitution (Art. 6, para 4).	Automatic grant of citizenship to every resident of the City at the date of the coming into force of the Statute with the modification that Arab and Jewish residents who want to become citizens of the Arab or Jewish State respectively or foreign residents who want to retain the citizenship of any State, may give notice of such desire and subsequently cease to be a citizen of the City (Art. 9, para. 1(a) and (b)).
External relations	The Treaty of 9 Nov. 1930 between the Free City and Poland provided that the Polish Government should undertake the conduct of the foreign relations of the Free City as well as the diplomatic protection of its citizens abroad.	International agreements concluded by the Sultan of Morocco only extend to the Tangier one with the consent of the international legislative Assembly. By exception international agreements to which all the Powers signatories of the Act of Algeciras are Contracting Parties or shall have acceded shall apply automatically to the Zone (revised Art. 8 para. 1). Protection in foreign countries of Moroccan subjects of the Zone shall be entrusted to the diplomatic and consular agents of France (Art. 6)	The Free Territory may be or become a party to international conventions or become a member of international organizations for settling of economic, technical, cultural, social or health questions (Art. 24, para. 3). Treaties and agreements, as well as exequaturs and consular commissions, shall be signed jointly by the Governor and a representative of the Council of Government (Art. 24, para. 2).	The Governor shall conduct the external affairs of the City subject to the provisions of the Statute and to any instructions of Trusteeship Council (Art. 25, para. 1). He may, on behalf of the City, sign treaties consistent with the Statute and with the regime of Economic Union and shall adhere to certain international conventions concluded under the auspices of the United Nations but such international undertakings shall be subject to ratification by the Trusteeship Council (Art. 35, para. 5, 6 and 7).
Economic and financial arrangements	The Annual budget was to be drafted by the Senate (Art. 39(c)) but legislation was required in this case as well as for issue of loans, introduction of monopolies and concession of privileges (Art. 45 (a), (b), (c)). In specific cases the approval of a Financial Council was required (Art. 56)	The budget of the Zone shall be prepared by the Administrator, communicated to the Committee of Control and submitted to the Legislative Assembly (Art. 52-53) of Shereefian Dahir organising the administration of the Tangier (Zone). Economic equality among nations shall be observed.	The Council of Government shall be responsible for the preparation of the budget of the Free Territory (Art. 21, para. 1). The Free City shall have its own monetary system (Art. 33). A free port shall be established in the Territory (Art. 34) and freedom of transit shall be assured (Art. 35)	The Governor shall be responsible for the preparation of the annual and supplementary budgets of the City (Art. 33, para 1). The City is to be included within the Economic Union of Palestine (Art. 32, para. 1).
Local government	Rural districts, towns and communes had powers of self-government under the supervision of the Senate in accordance with the provisions of special laws. Matters of State Administration could also be transferred to their jurisdiction (Art. 68). The City of Danzig was an independent commune of the State possessing its own property and having its own City Council elected by the Popular Assembly from its members and from other citizens of the City (Art. 69)		The Constitution shall provide for establishment on the basis of proportional representation of organs of local government on democratic principles, including universal, equal, direct and secret suffrage (Art. 29).	Existing local autonomous units and such new local autonomous units as may be created shall enjoy wide powers of local government and administration in accordance with the legislation of the City (Art. 34, para. 1)
		* French text: COM.JER/W8 ** English texts: COM.JER/7	* English text: COM.JER/W9	*U.N. document A/541 of 21 April 1948