



## Trusteeship Council

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### SECOND SESSION STATUTE FOR THE CITY OF JERUSALEM DRAFT PREPARED BY THE TRUSTEESHIP COUNCIL

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#### PREAMBLE

WHEREAS the General Assembly of the United Nations by a Resolution on the Future Government of Palestine, adopted at its 128th Plenary meeting on 29 November 1947, laid down that the City of Jerusalem, delimited in accordance with the Resolution, should be established as a corpus separatum under a Special International Regime and should be administered by the United Nations:

WHEREAS the General Assembly designated the Trusteeship Council to discharge the responsibilities of the administering authority on behalf of the United Nations:

WHEREAS the special objectives to be pursued by the United Nations in discharging its administrative obligations were set forth in the aforesaid Resolution as follows:

- (a) To protect and to preserve the unique spiritual and religious interests located in the City of three great monotheistic faiths throughout the world, the Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;
- (b) To foster cooperation among all the inhabitants of the City in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities;

WHEREAS the General Assembly directed the Trusteeship Council to elaborate and approve a detailed Statute for the City and prescribed certain provisions, the substance of which should be contained therein:

THE TRUSTEESHIP COUNCIL,

IN PURSUANCE of the aforesaid Resolution,

ADOPTS the present Statute for the City of Jerusalem.

#### Article 1 - Special International Regime

1. The present Statute defines the special international regime for the City of Jerusalem, hereinafter referred to as "the City", and constitutes it as a corpus separatum under the administration of the United Nations in accordance with the Plan of Partition with Economic Union, hereinafter referred to as "the Plan", which is set forth in the Resolution of the General Assembly on 29 November 1947 referred to in the Preamble to this Statute.
2. This Statute shall prevail in the City. No judicial decision shall conflict or interfere with its provisions, and no administrative act or legislative measure which conflicts or interferes with its provisions shall be valid.

#### Article 2 - Boundaries of the Territory of the City

1. The territory of the City shall include the present municipality of Jerusalem together with the surrounding villages and towns, the most eastern of which is Abu Dis, the most southern Bethlehem, the most western Ein Karim (including also the build-up area of Motsa) and the most northern Shu'fat.
2. The precise boundaries of the City shall be as delimited by the Commission contemplated by Part I, Section B, paragraph 1 of the Plan, in accordance with the directions set out in the Plan, and shall be described in due course in an annex to this Statute.

#### Article 3 - Functions of the Trusteeship Council

The Trusteeship Council, by virtue of the authority conferred upon it by the Resolution of the General Assembly of the United Nations of 29 November 1947, shall discharge the responsibilities of the United Nations for the administration of the City in accordance with this Statute.

#### Article 4 - Territorial Integrity

1. The territorial integrity of the City and the special regime as defined in this Statute shall be assured by the United Nations.
2. The Governor shall inform the Trusteeship Council of any situation relating to the City the continuance of which is likely to endanger the territorial integrity of the City, or of any threat of aggression or act of aggression against the City, or of any other attempt to alter by force the special regime as defined in the Statute. If the Trusteeship Council

is not in session and the Governor considers that any of the foregoing contingencies is of such urgency as to require immediate action by the United Nations, he shall bring the matter, through the Secretary-General of the United Nations, to the immediate attention of the Security Council.

#### Article 5 - Demilitarization and Neutrality

1. The City shall be demilitarized and no para-military formations, exercises or activities shall be permitted within its borders.
2. The neutrality and inviolability of the City are hereby declared and shall be preserved. No armed forces, except under this Statute or under the authority of the Security Council, shall be allowed in the City.
3. The police forces necessary for the maintenance of internal law and order shall be provided and organized in accordance with Article 14 of this Statute.

#### Article 6 - Flag, Seal and Coat of Arms

The Trusteeship Council may approve a flag, a seal and a coat of arms for the City.

#### Article 7 - Human Rights and Fundamental Freedoms

1. All persons within the City shall enjoy freedom of conscience and shall, subject only to the requirements of public order, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of religion and worship, language, education, speech and press, assembly and association, and petition including petition to the Trusteeship Council.
2. No discrimination of any kind on grounds of race, religion, language or sex shall be made against any person within the City.
3. All persons within the City shall be entitled to equal protection by the legislation of the City.
4. No person within the City may be arrested, detained, convicted or punished, except according to due process of law.
5. No person or property within the City shall be subject to search or seizure, except according to due process of law.
6. The legislation of the City shall ensure that accused persons shall have adequate rights of defense.
7. The legislation of the City shall neither place nor recognize any restriction upon the free use by any person of any language in private intercourse, in religious matters, in commerce, in the press or in publications of any kind, or at public meetings.
8. Except as may be required for the maintenance of public order, good government and public health, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths. No measure shall be taken which discriminates on grounds of religion or nationality against any representative or member of such bodies.
9. The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

#### Article 8 - Definition of Resident

For the purpose of Articles 9, 20, 21 and 44 of this Statute, the following persons shall be deemed to be residents of the City:

- (a) persons who were ordinarily resident in the area of the City on 29 November 1947 and have remained ordinarily so resident since that date;
- (b) persons who do not qualify as residents under paragraph (a) of this Article but who, after 29 November 1947 have been ordinarily resident in the area of the City for a continuous period of not less than three years, and have not ceased to be ordinarily so resident.

Provided that legislation of the City may make provision for the registration of persons ordinarily resident in the City, and such legislation may provide that, subject to such exceptions as are provided for in the legislation, a person shall be deemed not to be ordinarily resident in the City for the purposes of paragraphs (a) and (b) of this article during any period in which he is in default in complying with the requirements of the legislation as to registration.

#### Article 9 - Citizenship

1. Every resident of the City at the date of the coming into force of this Statute shall become ipso facto a citizen of the City; Provided that:
  - (a) every Arab or Jew, who desires to become a citizen of the Arab State or Jewish State respectively, may give notice of such desire in such manner and within such period as the Governor shall by order prescribe after the coming into force of this Statute or the setting up of the Arab State or the Jewish State respectively, whichever event is the later, and thereupon he shall cease to be a citizen of the City;
  - (b) every person so becoming a citizen of the City who desires to retain the citizenship of any State of which he is a citizen may give notice of such desire in such manner and within such period as the Governor shall by order prescribe, and thereupon he shall cease to be a citizen of the City with effect on and from the date of the coming into force of this Statute;
  - (c) unless a wife gives notice on her own behalf within the period prescribed by order of the Governor, she shall

be bound by the decision of her husband in either submitting or not submitting notice as prescribed by paragraph 1 or this article;

(d) a notice given by a parent under the terms of paragraph 1 of this article shall bind his or her children of minor age of whom he or she has custody, provided that such a minor, on attaining his majority, may opt for the citizenship of the City by giving notice in such manner as the Governor may by order prescribe.

Subject to the provisions of paragraph 1 of this Article, the conditions for the acquisition of citizenship of the City by persons who become residents after the date of the coming into force of this Statute and for the loss of citizenship of the City shall be laid down by legislation of the City.

#### Article 10 - Selection of and Responsibility of the Governor

1. The Governor of the City shall be appointed by the Trusteeship Council and shall be responsible to that Council.
2. The Governor shall make regular and, whenever necessary, special reports to the Trusteeship Council.
3. The Governor shall be selected on the basis of special qualifications and without regard to nationality; Provided that he shall not be a citizen of the City, the Arab State or the Jewish State.

#### Article 11 - Term of Office of the Governor

1. The term of office of the Governor shall be three years from the time of his appointment: Provided that:
  - (a) the Trusteeship Council may extend the term of office of the Governor in any particular case for such period as it may think fit;
  - (b) the Governor may resign his office upon due notice to the Trusteeship Council, and the Trusteeship Council may terminate his appointment for due cause at any time.
2. At the expiration of his term of office, or extended term, a Governor shall be eligible for re-appointment.

#### Article 12 - General Powers of the Governor

1. The Governor shall be the representative of the United Nations in the City.
2. The Governor, on behalf of the United Nations, shall exercise executive authority in the City and shall act as chief administrator thereof, subject only to the provisions of this Statute and to instructions of the Trusteeship Council. He shall be responsible for ensuring the peace, order and good government of the City in accordance with the special objectives of the United Nations recited in the preamble to this Statute.
3. The Governor and his official and private property shall not in any way be subject to the jurisdiction of the Legislative Council or of the courts of the City.

#### Article 13 - Power of Pardon and Reprieve

The Governor may grant to any offender convicted of any offence in any court of the City a pardon, either free or conditioned, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any fines, penalties or forfeitures which may accrue or become payable to the City by virtue of the judgement of any court of the City or of the operation of any legislation of the City.

#### Article 14 - Preservation of Order

1. The Governor shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order.
2. The Governor shall organize and direct a special police force, of such numbers as he shall deem necessary, to assist in the maintenance of internal law and order, and especially for the protection throughout the City of the Holy Places, religious buildings and sites. Members of the special police force shall be selected without distinction as to nationality: Provided that they shall not be recruited from among citizens or residents of the City, the Arab State or the Jewish State.

#### Article 15 - Governor's Emergency Powers

1. If, in the opinion of the Governor, the administration of the City is being seriously obstructed or prevented by the non-co-operation or interference of persons or groups of persons in the City, the Governor, during the period of emergency, shall take such measures and enact by order such legislation as he may deem necessary to restore the effective functioning of the administration, and such orders shall have effect notwithstanding anything to the contrary in any legislation in force in the City.
2. The circumstances in which the Governor may have exercised any power conferred on him by this article shall be reported to the Trusteeship Council as soon as may be practicable.

#### Article 16 - Organization of the Administration

1. The Governor shall be assisted by a Chief Secretary who shall be appointed by the Trusteeship Council on the recommendation of the Governor. He shall be neither a citizen nor a resident of the City, the Arab State or the Jewish State.
2. The Governor shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminator basis for their competence and integrity and, whenever practicable, from the residents of the City, the Arab State and the Jewish State. Subject to any Instructions of the Trusteeship Council and to any

legislation of the City, the appointments of members of the administrative staff may be terminated by the Governor at any time.

3. There shall be a Council of Administration considering of the Chief Secretary and such other principal officers as the Governor may appoint. The Governor may also, if he considers it desirable, add to the council other persons of his choice. The Council of Administration shall advise and assist the Governor in the administration of the City.

4. In the performance of their duties, the Governor, the members of the Council of Administration and administrative staff, including members of the police forces, shall not seek or receive any instructions from any government or any authority other than the government of the City and the Trusteeship Council.

#### Article 17 - Disqualification from Public Office

A person shall be disqualified from holding any public office, central or local, in the City, including membership of the Council of Administration and of the Legislative Council, if he holds any office under any other Government: Provided that the Governor may appoint to any public office in the City for a limited period any person seconded from the service of another Government.

#### Article 18 - Oaths of Office

The Governor, the Chief Secretary, the Judiciary, the members of the Council of Administration, the members of the Legislative Council, the members of the special police force and such other officers as the Governor may determine, shall take such oaths or make such affirmations as are specified in Instructions of the Trusteeship Council.

#### Article 19 - Acting Governor

If the office of Governor is vacant, or if the Governor is absent from the City or unable to exercise his powers or perform his duties, the officer holding substantively the appointment of Chief Secretary, or, if there is no such officer or he is absent from the City or unable to act, such person as may have been authorized to act in the circumstances by Instructions of the Trusteeship Council, may exercise all the powers and perform all the duties of the Governor so long as the office of Governor is vacant or the Governor is absent from the City or unable to exercise his powers or perform his duties.

#### Article 20 - The Legislative Council

1. A Legislative Council, consisting of a single chamber, shall have power to legislate, including the power to tax, in accordance with this Statute and may deliberate and adopt resolutions, consistent with the provisions of this Statute, upon any matters affecting the interests of the City.

2. The Legislative Council shall be composed of citizens or residents of the City, twenty-five years of age and over, elected in accordance with the provisions of this Article and of Article 21 of this Statute, The Trusteeship Council may determine any special qualifications under which residents who are citizens of another State may be eligible for membership.

3. The Legislative Council, during the first ten years after the entry into force of this Statute, unless it is earlier amended, shall consist of forty members. Eighteen of the members shall be elected by the registered Arab residents of the City, eighteen of the members shall be elected by the registered Jewish residents of the City, one or two members, as may be determined by the Governor according to the number registered in that group shall be elected by the registered residents of the City who are neither Arabs nor Jews, and the remaining members shall be representatives-at-large. Of the eighteen members to be elected by the Arab residents of the City, if, in the opinion of the Governor, it is so desired by the Arab residents either the Moslem or Christian faith, part shall be elected by the Arab residents of the Moslem faith and part shall be elected by the Arab residents of the Christian faith, in such proportion as the Governor shall determine, on the basis of the number of residents in the City of the Moslem and Christian elements respectively of the Arab population. The representatives-at-large shall be elected by all registered residents of the City from a panel of six residents whom the Governor shall nominate from among those who are not registered in either the Arab or Jewish group.

4. The proceedings of the Legislative Council shall not be invalidated by reason of a vacancy in its membership.

5. The legislation of the City may make provisions as to disqualification for election to and membership of the Legislative Council, resulting from loss of legal capacities.

6. The legislation of the City shall provide for the remuneration of the members of the Legislative Council.

#### Article 21 - Elections to the Legislative Council

1. The members of the Legislative Council shall be elected by residents of the City, twenty-one years of age and over, irrespective of nationality, on the basis of universal and secret suffrage, and proportional representation in each electoral group.

2. The legislation of the City may make provisions as to disqualifications for voting, resulting from loss of legal capacities.

#### Article 22 - Duration of the Legislative Council

1. The term of the Legislative Council shall be four years from the date of its election, unless it is earlier dissolved.

2. If, at the end of a four-year term of the Legislative Council, it is the opinion of the Governor that circumstances are inappropriate for the conduct of a general election, the Governor may temporarily prolong the term of the Legislative Council then in existence and shall forthwith report his action to the Trusteeship Council for instructions.

3. If, in the opinion of the Governor, the special objectives of this Statute are being gravely imperilled by the conduct of the Legislative Council, the Governor may temporarily suspend the Legislative Council and shall forthwith

report the circumstances to the Trusteeship Council for Instructions. The Trusteeship Council shall either instruct the Governor to revoke forthwith his order for the suspension of the Legislative Council, or maintain the suspension of the Legislative Council for such period as it may deem fit.

4. If, in the opinion of the Trusteeship Council, such action is necessary in order to preserve the special objectives of this Statute, the Trusteeship Council may instruct the Governor to dissolve the Legislative Council.

#### Article 23 - Legislation and Resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.

2. The Governor, or a member of his staff designated by him, may make statements or answer questions before the Legislative Council or may introduce any bill or resolution and may participate without vote in the deliberations of the Legislative Council on the bill or resolution so introduced.

3. A bill adopted by the Legislative Council shall become law only upon approval and promulgation by the Governor except that on the expiration of thirty days after the transmission of a bill to the Governor, if he has by that time neither approved nor disapproved it, he shall promulgate it as a law. The Governor may disapprove a bill, if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval.

#### Article 24 - Legislation by Order of the Governor

1. At any time when there is no Legislative Council for the City or the Legislative Council is suspended, the Governor may legislate for the City by order and any such order shall become law.

2. If the Governor shall consider that it is essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any bill or resolution introduced in the Legislative Council should have effect, and if the Legislative Council fail to adopt such a bill or resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any other procedures for legislation set out in this Statute or in the Standing Orders of the Legislative Council, declare that such bill or resolution shall have effect as if it had been adopted by the Legislative Council, either in the form in which it was so introduced or with such amendments as the Governor shall think fit which have been proposed in the Legislative Council. The said bill shall thereupon become law or the said resolution shall have effect.

3. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this Article and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

#### Article 25 - Standing Orders of the Legislative Council

1. The Legislative Council shall adopt such Standing Orders for the conduct of its business as it may deem appropriate: Provided that the Trusteeship Council may revoke any such Order.

2. The Chairman may or may not be a member of the Legislative Council. The Legislative Council shall elect the Chairman by a two-thirds majority of its entire membership: Provided that if the Legislative Council fail to elect a chairman within a period prescribed by the Governor, the Governor shall appoint the chairman.

3. The Governor shall convene the first session of each Legislative Council and may at any time convene an extraordinary session.

4. Subject to the provisions of Article 22 of this Statute, subsequent sessions of the Legislative Council shall be convened in accordance with the Standing Orders of the Legislative Council.

5. The Governor may at any time prorogue, adjourn or dissolve the Legislative Council. He shall dissolve the Legislative Council on Instructions from the Trusteeship Council, as provided for in paragraph 4 of Article 22 of this Statute. In the event of a dissolution of the Legislative Council, new elections shall be held as soon as circumstances are, in the opinion of the Governor, appropriate.

6. Subject to the provisions of Article 22 of this Statute, the Governor shall convene an extraordinary session of the Legislative Council upon the request of not less than twenty-one members.

7. Twenty-one members of the Legislative Council shall form a quorum.

8. Decisions of the Legislative Council shall be taken by a simple majority of those present and voting. Members who abstain from voting shall not be counted as voting.

#### Article 26 - Immunity of Members of the Legislative Council

1. No member of the Legislative Council shall be liable to any judicial or administrative penalty, or be called to account in any other way outside the Legislative Council, by reason of anything which he may have uttered, or of any vote which he may have cast, in the course of his duties as a member of the Legislative Council.

2. No member of the Legislative Council shall be liable during the sessions of the Council in criminal, administrative or disciplinary proceedings, nor shall he be deprived of his liberty, without the permission of the Legislative Council: Provided that he may be apprehended in the act of committing a crime and detained if his detention is or becomes imperative in the interests of justice or in order to counteract the effects of such crime, but in any such case his apprehension shall be reported as soon as may be practicable to the Legislative Council and he shall be released without delay should the Legislative Council so request.

#### Article 27 - Judicial System

1. There shall be established by legislation an independent judicial system for the City, including a Supreme Court and such subordinate and other courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the courts, and provide for their organization.
2. All persons within the City shall be subject to the jurisdiction of the City, subject to any immunity for which provision is made in this Statute.
3. The Supreme Court shall consist of such number of Judges, not being less than three or more than five as the Trusteeship Council may determine, of whom one shall be President of the Supreme Court and shall be styled Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.
4. Judicial personnel other than the Chief Justice and the Judges of the Supreme Court shall be appointed and may be suspended or dismissed by the Chief Justice with the approval of the Governor, in accordance with any procedure for which provision may be made in the Instructions of the Trusteeship Council.
5. Subject to the special objectives recited in the Preamble to this Statute and to social evolution in the City, the existing status and jurisdiction of religious courts in the City shall be respected. In the case of any conflict regarding jurisdiction between religious courts or between religious courts and civil courts, the Supreme Court shall consider the case and decide in which court the jurisdiction shall lie.
6. Decisions by the Supreme Court shall be by a majority of its members: Provided that, if in any case the opinion of the Court be equally divided, the opinion of the Chief Justice shall prevail.

#### Article 28 - Constitutionality of Legislation and Official Action

1. In cases brought before the Courts of the City this Statute shall prevail over any legislation or official action. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or action is incompatible with the provisions of this Statute.
2. In any case in which the Supreme Court decides that any legislation or official action is incompatible with the provisions of this Statute, such legislation or official action shall be void and of no effect.

#### Article 29 - Access to the City

1. Subject only to the requirements of public order and security, and of public morals and public health, freedom of entry into and of temporary residence in the City shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith.
2. Subject only to the requirements of public order and security, and of public morals and public health, and to the requirements of economic welfare as may be determined from time to time by the Governor under Instructions of the Trusteeship Council, citizens and residents of the Arab State and the Jewish State shall at all times be free to enter, visit, reside in and leave the City.
3. Immigration into the City by persons who are not citizens or residents of the Arab State or the Jewish State, and their residence within its borders, shall be controlled by order of the Governor under Instructions of the Trusteeship Council.

#### Article 30 - Official and Working Languages

Arabic and Hebrew shall be the official and working languages of the City. The working languages of the United Nations shall be recognized as additional working languages, and shall be used on the basis of absolute equality in the administration of the City.

#### Article 31 - Educational System and Cultural and Benevolent Institutions

1. Education in the City shall be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups.
2. There shall be maintained in the City an adequate system of primary and secondary education on an equitable basis for the Arab community and for the Jewish community in their respective languages and in accordance with their respective cultural traditions.
3. Subject to such educational requirements of a general nature as the legislation of the City may impose, and to the special objectives recited in the Preamble to this Statute, the right of any community or of any specific group within any community, to maintain its own institutions for the education of its own members in its own language shall not be denied or impaired.
4. Foreign educational establishments shall be permitted in accordance with the legislation of the City: Provided that existing rights shall continue unimpaired.
5. Educational and cultural establishments, charitable institutions and hospitals shall not be liable to any form of taxation from which they were exempt on 29 November 1947.

#### Article 32 - Economic Matters

1. The City shall be included within the Economic Union of Palestine provided for in Part I, Section D of the Plan, and shall be bound by all stipulations of and all treaties entered into by the Economic Union, as well as by decisions of the Joint Economic Board contemplated in the Plan.
2. In so far as may be consistent with the Economic Union, the City may operate its own central bank, may control its own fiscal and credit policy, its foreign exchange receipts and expenditures and the grant of import licenses, and may conduct international financial operations on its own faith and credit.

3. All economic authority not specifically vested in the Joint Economic Board shall be reserved to the City.
4. The legislation of the City shall safeguard the rights and interests of the inhabitants of the City and, subject to such legislation, the City shall regulate all economic, industrial and commercial matters not falling within the regime of the Economic Union on the basis of equal treatment and non-discrimination for all Members of the United Nations, their nationals, and companies or associations controlled by their nationals; and shall ensure equal treatment and non-discrimination to them in respect of freedom of transit and navigation, including transit and navigation by air, acquisition of property, both movable and immovable, protection of persons and property and the exercise of professions and trades.
3. Commercial concessions, or concessions in respect of public services, granted in the City prior to 29 November 1947 shall continue to be valid according to their terms, unless modified by agreement between the concession holder and the City.

#### Article 33 - Budgets

1. The Governor shall be responsible for the preparation of the annual and supplementary budgets of the City; and only the Governor or a member of his staff designated by him shall introduce budgets in the Legislative Council.
2. The financial provision made by the Governor in the budgets for the maintenance of the special police force shall not be altered by the Legislative Council. The Trusteeship Council may determine other services for which the financial provision made by the Governor in the budgets shall not be altered by the Legislative Council.
3. The Governor may authorize, in anticipation of approval by the Legislative Council, expenditure for which there is no provision in the budgets, if in his opinion such expenditure becomes a matter of urgency.

#### Article 34 - Local Autonomy

1. Existing local autonomous units and such new local autonomous units as may be created in accordance with the legislation of the City shall enjoy wide powers of local government and administration in accordance with the legislation of the City.
2. The Governor shall study, and submit for the consideration and decision of the Trusteeship Council, a plan for the establishment of special town units consisting, respectively, of the Arab and Jewish sections of new Jerusalem. He may in addition include in his plan proposals for one or more mixed town units. The new town units shall continue to form part of the present municipality of Jerusalem, subject to such modifications of the boundaries of the municipality as may be made from time to time.
3. Any plan approved by the Trusteeship Council in accordance with the provisions of paragraph 2 of this article shall not be subsequently altered or amended except with the approval of the Trusteeship Council.

#### Article 35 - External Affairs

1. Subject to the provisions of this Statute, and to any Instructions of the Trusteeship Council, the Governor shall conduct the external affairs of the City.
2. The Trusteeship Council, and the Governor to the extent that he is given general or special authority so to do by the Trusteeship Council, shall make arrangements by means of special international agreements or otherwise for the protection abroad of the interests of the City and of its citizens.
3. The Governor shall accredit representatives to the Arab State and to the Jewish State for the protection of the interests of the City and its citizens in those States.
4. Representatives of the Arab State and of the Jewish State, charged with the protection of the interests of the respective States and of their citizens in connection with the international administration of the City, may be accredited to the Governor. Representatives may be accredited to the Governor by any other State if he so permits. All such representatives shall enjoy privileges and immunities no less than those accorded on 29 November 1947 to the representatives in Palestine of foreign powers.
5. The Governor, on behalf of the City, may sign treaties which are consistent with this Statute and with the regime of Economic Union provided for in the Plan.
6. The Governor shall adhere on behalf of the City to the provisions of any international conventions and recommendations drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter of the United Nations which may be appropriate to the particular circumstances of the City, or would conduce to the achievement of the special objectives recited in the Preamble to this Statute.
7. Such international undertakings entered into by the Governor shall be subject to ratification by the Trusteeship Council, unless the Trusteeship Council should decide otherwise in any particular case or class of cases. The Governor shall inform the Legislative Council when it is in session concerning such international undertakings.
8. To the extent that they may be applicable to it, the City shall be bound by all international undertakings, both general and particular to which Palestine was a party on the date of the entry into force of this Statute. Subject to any right of denunciation provided for there, such international undertakings shall be respected by the City throughout the period for which they were concluded.
9. Any dispute about the applicability and continued validity of any such international undertakings shall be referred to the Trusteeship Council, which may refer it to the International Court of Justice for an advisory opinion in accordance with the provisions of the Statute of the Court.
10. Foreign powers shall enjoy immunities no less than those in force in Palestine on 29 November 1947, in respect of their property within the City.



Article 36 - Holy Places, Religious Buildings and  
Sites Within the City

1. The protection of the Holy Places, religious buildings and sites within the City shall be the special concern of the Governor.
2. If any question arises as to whether any place, building or site not hitherto regarded as a Holy Place, religious building or site shall be a Holy Place, religious building or site for the purposes of this Statute, the Governor shall decide. For the purpose of deciding any such question, the Governor may appoint a Committee of Enquiry to assist him.
3. If any dispute arises between any religious communities or within any religious community in connection with any Holy Place, religious buildings or site, the Governor shall decide on the basis of existing rights. For the purpose of deciding any such dispute, the Governor may appoint a Committee of Enquiry to assist him. He may also, if he shall think fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.
4. A decision of the Governor under paragraphs 2 or 3 of this Article shall not be called in question in any court. No court shall have jurisdiction to determine any such questions as is mentioned in the said paragraphs, and, if any such question shall arise in any proceeding in any court, the court shall refer it to the Governor for decision.
5. If at any time it appears to the Governor that any Holy Place, religious building or site is in need of urgent repair, he may call upon the community or denomination or section of the community concerned to carry out such repair. If the repair is not carried out, or is not completed within a reasonable time, the Governor may himself carry out or complete the repair and his expenses of so doing shall be a charge on the revenues of the city but may be recovered from the community or denomination or section of the community concerned, subject to existing rights.
6. No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation of that form on 29 November 1947. No change in the incidence of any form of taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings and sites or would place such owners or occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 29 November 1947.
7. The Governor shall ensure by order that:
  - (a) decisions of the Governor under paragraphs 2 and 3 of this article are carried into effect and provision is made for the method of recovery of sums recoverable by virtue of paragraph 5 of this article;
  - (b) existing rights in respect of Holy Places, religious buildings and sites are not denied or impaired;
  - (c) subject to the requirements of public order, decorum and public health, free access to the Holy Places, religious buildings and sites and free exercise of worship therein are secured in conformity with existing rights;
  - (d) the Holy Places, religious buildings and sites are preserved;
  - (e) no act is committed which may in any way impair the sacred character of the Holy Places, religious buildings or sites;
  - (f) generally that the provisions of this article, and the special objectives of the United Nations recited in the preamble to this Statute insofar as they relate to the Holy Places, religious buildings and sites, are carried into effect.
8. An order under paragraph 7 of this article may contain penal provisions.
9. An order under paragraph 7 of this article shall have effect notwithstanding anything to the contrary in any legislation of the City.
10. The Governor shall transmit a copy of every order made under paragraph 7 of this article to the Trusteeship Council as soon as practicable and the Trusteeship Council may give such Instructions to the Governor in relation thereto as it may think fit.

Article 37 - Responsibilities of the Governor for  
Holy Places, Religious Buildings and  
Sites in the Arab State and the Jewish State

1. In accordance with the Plan, the Governor shall determine whether the provisions of the constitutions of the Arab State and Jewish State in relation to the Holy Places, religious buildings and sites, within the borders of those States, and the religious rights appertaining thereto, are being properly applied and respected.
2. The Governor shall seek full co-operation and such privileges and immunities as are necessary for the performance of his duties in the Arab State and the Jewish State.
3. The Governor shall negotiate with the two States in order to establish a permanent body, of which his representatives should be members, to supervise the Holy Places, religious buildings and sites.
4. If the Governor considers that the aforesaid constitutional provisions are not being correctly applied and observed, he may make recommendations to the States, in virtue of the responsibilities entrusted to him by the trusteeship Council in accordance with the recommendations of the General Assembly.
5. The Governor shall inform the Trusteeship Council if his competence to decide disputes arising between any religious communities or within any religious community in connection with any Holy Place, religious building or site is contested, or if his decisions or recommendations are not carried out, or if he does not receive full co-operation from the State or States concerned, or if he is not granted the necessary privileges and immunities for the performance of his duties.

Article 38 - Protection of Antiquities

The legislation of the City shall provide for the protection of the antiquities of the City of Jerusalem.

Article 39 - Entry into Force of the Statute

This Statute shall come into force two months after the evacuation of the armed forces of the Mandatory Power has been completed, but in any case not later than 1 October 1948.

Article 40 - Continuity of Existing Legislation

All legislation in force in Palestine on the day preceding the entry into force of this Statute, in so far as it is applicable to the City on that day and is not inconsistent with the provisions of this Statute, shall continue to apply to the city, with such modifications as may be required by reason of the establishment of the Special International Regime, until such time as it may be amended or revoked by other legislation of the City.

Article 41 - First Elections to the Legislative Council

The first elections to the Legislative Council shall be held as seen after the entry into force of this Statute as the Governor shall deem appropriate. These elections shall be conducted, in such manner as shall be provided by order of the Governor, in accordance with Articles 20 and 21 of this Statute.

Article 42 - Capitulations

States whose nationals have in the past enjoyed in the City the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce, if they have not already renounced, any right pertaining to them to the re-establishment of such privileges and immunities in the City. Any privileges and immunities which may be retained, shall be respected by the City.

Article 43 - Definitions and Interpretation

In this Statute unless the contrary is stated or the context otherwise requires:

- (a) "Arab State" and "Jewish State" mean the Arab State and Jewish State respectively for which provision is made in the Plan; "Governor" means the Governor of the City, and includes, to the extent of his authority, any officer authorized by or in pursuance of this Statute to perform the functions of the Governor; "Instructions of the Trusteeship Council" means any instructions, whether of a general or special character, which are given by the Trusteeship Council in relation to the application of this Statute;
- (b) words importing the plural or the singular may be construed as referring to one person or matter or to more than one person or matter;
- (c) when a duty is imposed or a power is conferred, the duty shall be performed and the power may be exercised from time to time as occasion requires;
- (d) when a power is conferred to make any order, or to enact any legislation or to give any instruction or direction, the power shall be construed as including a power to rescind, repeal, amend or vary the order, legislation, instruction or direction;
- (e) when a duty is imposed or a power is conferred on the holder of an office, the duty shall be performed and the power may be exercised by the holder of the office or by a person duly appointed to act for him.

Article 44 - Re-examination of the Statute

1. This Statute shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council shall find it necessary to undertake a re-examination of its provisions at an earlier date, in which case the Trusteeship Council shall make such modifications of its provisions as shall seem necessary.
2. At the end of the ten year period denoted in paragraph 1 of this article the whole Statute shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall then be free to express by means of a referendum their wishes as to possible modifications of the regime of the City. The trusteeship Council shall in due course lay down the procedures by which this referendum shall be conducted.