

be acting contrary to the spirit of the Charter of the United Nations. Before the Council took a decision on the question, to which he hoped it would give full consideration, he would welcome an opportunity of consulting the representatives of other Arab States as to whether they considered prohibition of all immigration into the area practical.

135. Mr. SHUKAIRY (Syria) said he did not wish to comment on the substance of the question, but merely to suggest that further consideration of it be deferred until a later stage in the preparation of the draft Statute. It was so important that it should form the subject of a separate article, which should preferably be placed towards the end of the Statute.

136. The PRESIDENT thought that the delicate question under discussion could be taken up later when the Council had completed the second reading. The Council would then see where a provision relating to the question could most appropriately be inserted.

137. Sir Alan BURNS (United Kingdom) said he wished again to raise the question of dual citizenship. If article 9 were adopted in its present form, every resident of the City would become *ipso facto* a citizen. Further, every resident would, if he wished, and provided he was a citizen of another State, be able to retain the citizenship of that State and cease to be a citizen of the City by informing the Governor of his intentions. But, if such a person failed to inform the Governor of his intentions, was he to be considered a citizen both of the City and of the other State? The Council should take a decision on that important question.

138. The PRESIDENT agreed that the question of dual nationality was important. The fact that certain States provided in their constitution for dual nationality gave rise to certain difficulties; the question would be discussed at the next meeting of the Council.

The meeting rose at 6.40 p.m.

242nd meeting

FORTIETH MEETING

*Held at the Palais des Nations, Geneva,
on Friday, 3 March 1950, at 2.30 p.m.*

President : Mr. ROGER GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

Observers from the following countries : Egypt, Israel, Syria.

79. Procedure for dealing with petitions, in particular those transmitted to the Council through the Visiting Mission to West Africa (T/L.45)

1. The PRESIDENT drew the Council's attention to the question of petitions. The Chairman of the *Ad Hoc* Committee on Petitions had sought the Secretariat's

advice on how to deal with the very large number of petitions submitted to the Visiting Mission to West Africa.

2. A memorandum (T/L.45) concerning these petitions had been circulated.

3. The large number of petitions indicated in annex I of the memorandum had already been communicated to the Administering Authorities and to members of the Council. The former, he thought, might be prepared to agree that they should be examined at the present session so as to enable the Council to take advantage of the presence of the special representatives.

4. The petitions listed in annex II of the document were being classified by the Secretariat.

5. The *Ad Hoc* Committee might be instructed to undertake the examination of the petitions listed in annex I and to report on them to the Council, to permit of their examination when the Council came to study the reports of the four Trust Territories in West Africa. An urgent decision on the matter was required to enable the *Ad Hoc* Committee, if such was the Council's wish, to start work on them at the beginning of the following week.

6. Since the petitions in question had not been included in the agenda for the present session, the Council might appropriately take a decision to include them.

7. Sir Alan BURNS (United Kingdom) said that the division of the petitions between two annexes to document T/L.45 was a purely arbitrary division. Many petitions listed in annex I related to the same subject as petitions listed in annex II. If, at the present session, the Council considered only the petitions listed in annex I, it would be breaking up its consideration of the petitions in an illogical manner, and would almost certainly have to repeat at its next session discussions held on petitions in annex I. The Administering Authority for the Trust Territories of the Cameroons and for Togoland under British administration, by special efforts and much hard work, had submitted observations on nearly all the petitions which had been received. With regard to the former Territory, the Administering Authority had submitted its observations on all the petitions before the Council, whether they were listed on the agenda or not. He hoped that that effort would not prove to have been made in vain, and that the other parties concerned would make a comparable effort.

8. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) said that not all the petitions transmitted through the Visiting Mission to West Africa had been processed and circulated to members of the Council, partly because of lack of time, partly because of their bulk. Although three and a-half months had elapsed since the receipt of the petitions by the Secretariat, work on preparing them for circulation had only been possible between 15 December 1949 and 9 January 1950, as priority had had to be given during December to the preparation

of documents for the General Assembly and later to documents of the Committee for Italian Somaliland. Moreover, the 255 petitions handed to the Visiting Mission ran to some two thousand pages. The Department of Trusteeship and Information from Non-Self-Governing Territories had completed its own work of checking and summarizing the petitions, but no estimate could be given as to when the departments concerned with the translation and reproduction of the petitions would complete their work. It might be two or three weeks before the last petition could be circulated to members of the Council.

9. The PRESIDENT stressed the difficulties confronting the Council as the result of the increase in the number of petitions submitted. It was possible that the Council might find itself the following year in the position of having to set up a standing body to examine petitions and prepare a report for the Council. Otherwise, it might be forced to prolong its sessions to three or four months' duration. The fact was that the June session could not open before 15 June, in view of the time required for the Administering Authorities of Trust Territories to send in their reports and for the Secretariat to do the preparatory work on them. At the same time it would hardly be possible to prolong the session beyond the first few days of August, as most of the members of the Council had other duties to perform.

10. Apart from the 128 petitions which the *Ad Hoc* Committee might examine forthwith, there were the remaining 127 petitions the processing of which would take two or three weeks; their examination would accordingly have to be deferred until the end of March.

11. The Progress of the *Ad Hoc* Committee was of necessity somewhat slow, since some of the petitions gave rise to prolonged discussions. In view of the rate at which that Committee, with the best will in the world, was working, he wondered whether it would be able to submit a report on 255 petitions to the Council before the end of the session.

12. While it would be desirable, for the reasons advanced by the United Kingdom representative, to examine the petitions listed in annex II at the same time as those in annex I, he doubted whether the Council could in fact achieve that aim.

13. Sir Alan BURNS (United Kingdom) appreciated the difficulties the Secretariat was experiencing, but pointed out that if consideration by the Council of some of the petitions relating to Trust Territories in West Africa under British administration were deferred until the seventh session, the special representatives of the Administering Authority would have to travel, at considerable cost, to Lake Success. Moreover, the Trust Territories themselves would be deprived of the services of those valuable officers for an extended period. He urged the Council to defer its decision in order to give members time for reflection.

14. Mr. JAMALI (Iraq) said that the petitions had been addressed to the Visiting Mission, and most of them were connected with matters mentioned in its

reports. The Visiting Mission itself, not the Council, should have dealt with them; it would still be instructed to do so. He hoped that in future all Visiting Missions would deal direct with petitions addressed to them.

15. The PRESIDENT thought that the Visiting Mission would have found it difficult to carry out such a task as its stay in the four Trust Territories concerned had been short.

16. Mr. SAYRE (United States of America) said that it would be impossible for a Visiting Mission to consider and reach conclusions on as many as two hundred petitions, as much of its time in the field was taken up with such duties as attending conferences and hearing oral statements. The Council must deal decisively with the problem caused by the increase in the number of petitions. It should try to devise machinery to deal satisfactorily, not only with the petitions it had already received, but also with those it would undoubtedly receive in future.

17. He suggested that the Council might set up a small committee, composed, perhaps, of the representatives of Argentina, Australia, Iraq and the United Kingdom, to consider and recommend to the Council, by the following week, ways and means of dealing with petitions. A possible method might be for the Council not to discuss petitions concerning problems on which it had previously taken a decision, but merely to instruct the Secretariat to transmit to the authors of those petitions the resolutions previously adopted. The Council might also instruct the *Ad Hoc* Committee on Petitions to consider the following week the petitions transmitted to the Council through the Visiting Mission and already circulated.

18. Mr. JAMALI (Iraq) maintained that Visiting Missions should themselves consider petitions presented to them, since it would be easier for the Mission which had visited the territory to reach a correct conclusion about them than it would be for the Council which met far from the territory. He questioned the validity and value of a Mission's report which did not take petitions presented to it into consideration and stated that the petitions should have been studied by the Mission before its report was written.

19. The PRESIDENT contended that, had it had sufficient time, the Visiting Mission would certainly have carried out that task. The fact was that the budgetary appropriations provided for Visiting Missions limited their length of stay in the Trust Territories.

20. Moreover, the Visiting Mission had ceased to exist and two of its members, the Mexican and Belgian representatives, had gone back to their normal occupations. He did not see how they could be asked to return for the purpose of examining the 255 petitions which remained to be studied.

21. However, the problem was pressing; hence his anxiety to bring the matter to the Council's attention. Perhaps the Assistant Secretary-General would send an urgent appeal to Lake Success asking the other departments concerned to expedite their work.

22. The United States representative had suggested, and he thought the suggestion an excellent one, that a small committee should be set up consisting of the representatives of Argentina, Australia, Iraq and the United Kingdom. However, Australia was already a member of the *Ad Hoc* Committee on Petitions, and it would be unfair to call on the same delegation twice. Perhaps the Committee might consist of the representatives of Argentina, Belgium, Iraq and the United States of America.

23. Mr. LIU (China) said he would have considered the suggestion made by the United States representative an excellent one, were it not for the fact that many of those present hoped that the session would be concluded before 7 April 1950. A final decision on the problem of dealing with the petitions should therefore be taken at once. It would be difficult for the *Ad Hoc* Committee on Petitions to reach conclusions before 7 April 1950, even on the petitions listed in annex I, let alone annex II, of document T/L.45.

24. He therefore suggested that the Committee, or another subsidiary body of the Council be instructed to deal, after the conclusion of the session, with those of the petitions listed in document T/L.45 on which no decision had been taken. While he appreciated the points made by the representative of the United Kingdom, he wished to point out that the Council would have to discuss separately the annual reports on the administration of the Trust Territories in West Africa for 1948 and the petitions concerning those territories.

25. Mr. RYCKMANS (Belgium) submitted that no blame could be attached to the Visiting Mission for having had insufficient time to deal during its stay in Africa with all the petitions it had received. In the first place, the perusal of two thousand pages would have taken a considerable amount of time which the Mission did not have at its disposal. Further, if the Mission had had to wait until it had completed the examination of all those petitions before drawing up its report, the latter would not yet have been available to the Council.

26. He had always insisted that petitions of a general character should be treated differently from petitions requesting the redress of an individual or collective grievance, and strongly urged that all petitions in the former category be examined at the same time. While it was true that the Visiting Mission should have examined such petitions before making its report, it would be illogical for the Council itself to take a decision on the Visiting Mission's report and on the annual reports on the four Trust Territories of the Cameroons and of Togoland under British and French administration respectively, without having studied the petitions.

27. With regard to the proposal that a committee be set up to study the question, he pointed out that he himself had already been a member of such a committee. After working for several days, it had reported back to the Council that its efforts were pointless. He felt unable to do anything more, and, as he had already stated on another occasion, he did not intend to revert

to the question of petitions until it had been raised by a representative of a non-administering Power. The impression must not be given that the general problem arose because the administering authorities felt apprehensive about the examination of petitions concerning trust territories under their administration. He would prefer to see the problem solved by means of proposals submitted by representatives of non-administering Powers, since no one could regard their motives as suspect.

28. He requested the President not to impose work of that kind on him again, because he could be of no service. The fact was that none of the delegations represented on the Council had five persons, and unlike the Secretariat, were unable to devote their whole time to the study of petitions, and it was impossible for members to read and study two thousand pages of petitions at each session. Once that impossibility had been recognized, means would be sought for resolving the difficulty. One very simple solution would be to instruct the members of the Secretariat who had examined the petitions to make a summary of them, and to ascertain which of them were worth circulating.

29. Mr. HOOD (Australia) said that, since it would be very inconvenient for the Administering Authorities were the consideration of the petitions transmitted through the Visiting Mission to be spread over the present and the seventh session, the Council should clearly do its utmost to deal with all those petitions at the present one. But it was still difficult for the Council to determine how it could do so, because all the relevant information was not yet available. As recorded in paragraph 6 of the special report (T/L.45) of the *Ad Hoc* Committee on Petitions, the Committee had requested the Secretariat "to prepare a summary and classification of all the petitions already listed on the agenda and those received by the Visiting Mission to West Africa which raised questions of a general character in respect of the Trust Territories of West Africa". Until that information was made available, until the petitions had also been classified by subject, and until the *Ad Hoc* Committee had submitted a further report on them, the Council would be wise to defer its decision on the United States representative's suggestion.

30. It should not be forgotten that the *Ad Hoc* Committee on Petitions was itself conversant with the subject. After the petitions had been classified, it might become apparent that they would not require as much of the Council's time as at present estimated.

31. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) said that the Visiting Mission had not ignored the petitions presented to it; it had taken them into account when drafting its reports, in which there were many references to them. But the Visiting Mission was not authorized by its terms of reference to make recommendations to the Council relating to petitions.

32. The Secretariat was engaged in classifying the petitions presented to the Visiting Mission by subject,

and in analysing them. Its report on those of the petitions concerning the Cameroons under British administration would be issued on 6 March 1950, and the reports on the remaining petitions could be issued within a week, if members of the Secretariat worked all night on them, and within a fortnight if they worked normal hours. The process could be speeded up if the Council would agree to dispense with either the English or the French version of each petition.

33. The PRESIDENT said that the Secretariat should in any case have two weeks, which period, he hoped, might satisfy the very justified request of the United Kingdom representative.

34. He wished to draw the Council's attention once more to the necessity of not overloading the agenda of the seventh session, which ought to be made much shorter than the present session, to make provision for a minimum holiday period for members of the Council.

35. He had mistakenly fostered the hope that the Council might finish the present session by 6 April. A thorough study of what remained to be done had led him to conclude that it would not be possible to dispose of all items by that date.

36. Mr. INGLÉS (Philippines) said that the Council should not be daunted by the increase in the number of petitions presented to it, since it was an indication that the inhabitants of Trust Territories were becoming more acquainted with the trusteeship system, and were relying more than they had done in the past on the United Nations. The Council should be careful to take no action which might discourage such a salutary trend. Since the small committee suggested by the United States representative if set up, would presumably recommend long-term plans for dealing with petitions, the adoption of those suggestions should not be permitted to delay the work of the *Ad Hoc* Committee. The petitions listed in annex I to that Committee's special report should be placed on the agenda for the current session, and the Committee should start work on them forthwith. If it did not finish its work by the final plenary meeting of the session, the Council could then consider setting up a standing committee to deal with petitions. It should not be forgotten that the problem threatened to involve both the Council and the special representatives of the administering authorities in difficulties. The Council found itself in its present situation because its extraordinary tasks of preparing a trusteeship agreement for the Territory of Somaliland under Italian administration and a statute for the City of Jerusalem had taken up time which could otherwise have been devoted to petitions. He agreed with the representative of Iraq that the Visiting Mission to West Africa could and should have reported to the Council on the petitions presented to it. Although the Council itself should also give them proper consideration, comments by the Visiting Mission would have made its task considerably easier.

37. The PRESIDENT drew the attention of the representative of the Philippines to the advantage of placing both the petitions listed in annex I and those listed in

annex II on the Council's agenda, even if the Council could not be sure of being able to examine all the 255 petitions in the course of the sixth session. If the Council did otherwise, some petitions which were of the same kind, or dealt with precisely the same subject, would have to be examined separately, which would really mean a pointless duplication of work.

38. He formally proposed that the Council place the examination of the 255 petitions in question on the agenda of the present session. It was the first most urgent question requiring a decision, for as soon as that decision had been taken by the Council, the *Ad Hoc* Committee could at least take cognizance of the 128 petitions in annex I. He hoped that the Committee would also find it possible to examine very rapidly the petitions in annex II, as and when they were classified by the Secretariat.

39. If the Council desired to set up a small committee to study the general problem of petitions and to put forward suggestions to the Council on the subject, it should do so immediately.

40. Mr. RYCKMANS (Belgium) said that the *Ad Hoc* Committee on Petitions was best qualified to give an opinion on the subject. The other committee which had sat a fortnight ago had produced no useful result, because its work had been purely theoretical. The *Ad Hoc* Committee had a large number of petitions before it; it could therefore put forward proposals drawn from its own experience and it should be relied upon to do so.

41. The PRESIDENT agreed with the Belgian representative, and thought that the *Ad Hoc* Committee might devote one or two meetings to a study of the problem.

42. Sir Alan BURNS (United Kingdom) deprecated the suggestion that a representative of the United Kingdom should attend meetings of the small committee suggested by the representative of the United States of America, because he doubted whether that committee would do anything but waste time. When the Secretariat had completed its classification of the petitions presented to the Visiting Mission, it might be revealed that a large number of them were of a general character, and that the Council could accordingly dispose of them quickly, and so be free to deal properly with the remaining petitions sooner than was at present thought possible.

43. Mr. SAYRE (United States of America) said that the reason he had suggested setting up a small committee to devise new machinery for dealing with petitions was because he feared that the Council might otherwise overburden the *Ad Hoc* Committee on Petitions. He had further suggested that a representative of Australia should attend the meetings of the small committee, because it should not be deprived of the experience acquired by the Chairman of the *Ad Hoc* Committee who was a member of the Australian delegation.

44. He would agree, however, to the suggestion of the representative of Belgium, provided it would not

place too great a burden on the Committee. It was most important that the Council should devote careful consideration to important petitions, and not allow its attention to be diverted by less important ones.

45. Mr. RYCKMANS (Belgium) thought it would be preferable not to make the *Ad Hoc* Committee expressly responsible for studying the question of petitions as a whole. In its final report, that Committee would probably be led to propose solutions which the Council could subsequently study more closely and apply in other cases.

46. The PRESIDENT suggested that all the 255 petitions listed in the special report (T/L.45) of the *Ad Hoc* Committee on Petitions should be placed on the agenda for the current session of the Council.

It was so agreed.

47. The PRESIDENT said the Council had still to decide whether it would leave it to the *Ad Hoc* Committee to put forward proposals concerning the future treatment of petitions, or whether it would set up a special body for the purpose.

48. Mr. LIU (China) was in favour of setting up a new committee. He agreed with the representative of the Philippines that, of the petitions transmitted through the Visiting Mission, only those listed in annex I should have been placed on the agenda for the current session. Those listed in annex II might be referred to a committee with instructions to consider them after the conclusion of the session. The representative of the United Kingdom might be satisfied if the Council agreed that special representatives of the Administering Authorities concerned should not be required to attend meetings of that committee, but could merely submit written comments.

49. The PRESIDENT explained to the representative of China that the decision just taken by the Council did not mean that the latter would necessarily examine all 255 petitions during the present session. If, at the end of the session, a sufficiently large number of petitions remained unexamined, the proposal of the representative of China would be borne in mind. He had himself made a similar suggestion.

50. The *Ad Hoc* Committee, or another committee to be appointed by the Council, would examine all the remaining petitions between the two sessions, and report to the Council at the beginning of the seventh session. The work would thus be proceeding all the time.

51. A further pressing reason for placing the 255 petitions on the agenda was that when the classification had been completed and the *Ad Hoc* Committee had carried out a preliminary examination, it was very possible that it might decide to examine some of the petitions in annex II with the petitions in annex I, on the grounds that they were all of equal urgency, or, on the contrary, to defer consideration of a number of petitions in annex I until the remainder of the petitions in annex II had been dealt with.

52. The present classification entailed no order of priority, which it would be for the Committee to establish.

53. Mr. HOOD (Australia) said that the Council had taken a wise decision in deciding to add all the petitions to its current agenda, and proposed that it instruct the *Ad Hoc* Committee to submit a further report on procedure for dealing with the petitions presented to the Visiting Mission to West Africa, after the Secretariat had classified them.

It was so agreed.

54. Mr. LIU (China) expressed anxiety concerning the President's statement that it might be impossible to conclude the session on or before 6 April 1950. It would be very difficult, or even impossible, for his delegation to remain in Geneva after that date.

55. The PRESIDENT stated that he had merely pointed out that it might not be possible to close the session by 6 April. A note on that subject was being prepared by the Secretariat, and would probably be circulated at the beginning of the following week.

56. Mr. SAYRE (United States of America) agreed with the representative of Australia that the Council could defer its decision on the new committee until the *Ad Hoc* Committee on Petitions had submitted another report on the subject. He agreed with the representative of China that it was most important that the session should be concluded on or before 6 April 1950. The Council could complete its agenda before that date, if representatives exercised restraint and made shorter and more lucid speeches than they were doing at present.

57. The PRESIDENT assured the United States representative that everything possible would be done to enable the Council to end its session on 6 April. The Council was not responsible for the fact that its agenda had been very considerably enlarged by the addition of two supplementary items. As President, he could only request all its members to do their utmost to expedite the debates as much as possible.

80. Programme of work

58. Mr. INGLÉS (Philippines) said that the Council should not begin its discussion of the annual report on the administration of the Trust Territory of the Cameroons under British administration for the year 1948 until the Administering Authority had submitted written replies to written questions submitted by Members of the Council.

59. Sir Alan BURNS (United Kingdom) said that the written replies would be transmitted to the Secretariat the following day. The special representatives of the Administering Authority concerned was due to arrive in Geneva on that day.

60. The PRESIDENT stated that the Council would begin consideration of the annual report on the Cameroons under British administration on 6 March, as arranged. There was another difficulty, however, which

would arise—namely, how to pursue consideration of the draft Statute for Jerusalem. The Council certainly could not complete the second reading that afternoon; a meeting should be arranged for the following morning, in an endeavour to finish it then, although he was not certain that even that would allow sufficient time.

61. Mr. JAMALI (Iraq) urged that a committee of the whole meet in the morning of each working day the following week to complete the second reading.

62. The PRESIDENT pointed out that the solution suggested by the representative of Iraq would inevitably give rise to very great difficulties.

63. Mr. HENRÍQUEZ UREÑA (Dominican Republic) was radically opposed, in principle, to all morning meetings, save as an exceptional measure. Members of the Council had to give some of their free time to studying the various items on the agenda; such work was by no means light. The Council might perhaps make a special effort for one week, and sit both morning and afternoon, but that could not go on indefinitely. He hoped then that the Council would find a more practical solution. The one hitherto adopted—namely, for the Council to meet in the afternoons and its subsidiary bodies in the mornings, was satisfactory.

64. Mr. JAMALI (Iraq) pointed out that the Committee for Italian Somaliland had held both morning and afternoon meetings over a considerable period.

65. The PRESIDENT considered that the Council might accept the solution suggested by the representative of the Dominican Republic, it being understood that the Council would not decide to hold two meetings a day as a regular practice.

66. Mr. HENRÍQUEZ UREÑA (Dominican Republic) pointed out that while it was true that the Committee for Italian Somaliland had sat both in the mornings and in the afternoons, it had only had to deal with a single question; moreover, the delegations concerned had just arrived in Geneva.

67. Mr. HOOD (Australia) supported the suggestion that morning meetings should take place the following week to complete the second reading of the draft Statute for Jerusalem. He hoped that, in accordance with customary parliamentary practice, the third reading would consist of voting without any discussion on the substance of individual articles.

68. The PRESIDENT stated that that was his intention.

69. Mr. JAMALI (Iraq) said that the Council could have completed the preparation of the draft Statute for Jerusalem as efficiently as it had completed its discussion of the Trusteeship Agreement for the Territory of Somaliland under Italian Administration, had it not been for certain tactics behind the scenes which had caused delay. He hoped that the Council would complete its consideration of the draft Statute in a businesslike manner before the end of the following week.

70. Mr. LIU (China), recalling that the Council had failed to dispose of items 11, 12, 13, 14 and 15 of its

agenda by 27 February as scheduled, said that the Council had overlooked the suggestion made by himself and the representative of New Zealand that the Council dispose of those items before the end of the current week.

71. The PRESIDENT stated that the suggestion to which the Chinese representative had referred had not been overlooked, but that time had been too short. The Council's debates were certainly too long.

72. He requested the *Ad Hoc* Committee on Petitions to consider the problem as a whole, and to submit to the Council a preliminary report on the conditions under which it could accelerate its procedure for examining the relevant petitions.

81. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December, 1949) (T/118/Rev.2, T/423, T/L.35, T/L.35/Corr.1, T/L.36, and T/L.42 (resumed from the preceding meeting))

73. The PRESIDENT read out a communication from the Independent Catholic League of Montreal, and notified the Council that he had received a statement,¹ through the medium of the Chairman of the United Nations Conciliation Commission for Palestine, from the Committee for the Arab Property Owners of Jerusalem. The latter, which was a long document, would be circulated to members of the Council, together with its annexes.

SECOND READING OF THE DRAFT STATUTE FOR
JERUSALEM (T/118/Rev.2, T/L.35 and T/L.35/Corr.1)
(continued)

*Article 7 : Human rights and fundamental freedoms
(resumed from the preceding meeting)*

74. Mr. MUÑOZ (Argentina) reported that the representatives who it had been agreed (39th meeting) should meet to discuss article 7 would shortly submit a report to the Council which might, or might not, contain a new and unanimously agreed version of article 7. He saw no reason why the Council should not proceed with the discussion of succeeding articles pending the submission of that report.

Article 9 : Citizenship (resumed from the preceding meeting)

75. The PRESIDENT suggested that the Council revert to article 9, pointing out in that connexion that the Council had not definitely decided at the thirty-ninth meeting whether sub-paragraphs (a) and (b) of paragraph 1 were to be combined. The discussion had brought out the need for a rule to eliminate the risk of cases of statelessness arising.

76. Mr. HENRÍQUEZ UREÑA (Dominican Republic) recalled that the Argentine representative had suggested the addition of the words: "... or who acquires the

¹ Later circulated as document T/519.

citizenship of any State", in sub-paragraph (b) of paragraph 1.

77. If that text were adopted, sub-paragraph (a) of paragraph 1 should be deleted.

78. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) read out a provisionally agreed text of sub-paragraph (b)—namely; "Every person so becoming a citizen of the City who desires to retain the citizenship of any State of which he is a citizen, or who acquires the citizenship of any State, may give notice . . .".

79. Mr. RYCKMANS (Belgium) contended that the proposed language conflicted with the provisions of article 7 of the Convention on Certain Questions relating to the Conflict of Nationality Laws, signed at The Hague on 12 April 1930. That article provided that an expatriation permit did not entail the loss of nationality of the State which issued it unless the person to whom it was issued already possessed another nationality, or until he acquired such other nationality.

80. In his view, therefore, article 9 should say the opposite of what it actually said which was that a person possessing another nationality and wishing to retain it should cease to be a citizen of Jerusalem. On the contrary, a person wishing to acquire another nationality should not lose Jerusalem citizenship until he supplied proof that he possessed another nationality.

81. Mr. MUÑOZ (Argentina) pointed out that the text just read out by the Assistant Secretary-General spoke, not of those who desired to acquire another nationality, but of those who actually acquired it. He thought that that met the objection of the Belgian representative.

82. Mr. LAKING (New Zealand) could not agree that the text read out by the Assistant Secretary-General covered the point raised by the Belgian representative—namely, that the Governor should be satisfied that an individual was a citizen of another State before he agreed to the relinquishment by that individual of his citizenship of Jerusalem. He would therefore submit the following version for paragraph 1, subject to the proviso that the issue of dual citizenship was considered separately: "Every person who, at the date of coming into force of this Statute, is a resident of the City within the meaning of article 8 of this Statute shall become *ipso facto* a citizen of the City".

83. Sub-paragraphs (a) and (b) might then be combined to read: "Provided that every such person who is also a citizen of any State or who acquires citizenship in any State and who desires to relinquish his citizenship of the City 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 such date as the Governor may prescribe".

84. Sir Alan BURNS (United Kingdom) agreed in principle with the New Zealand proposal, but suggested that it might be so amended as to ensure that the date on which the individual relinquished his citizenship of

Jerusalem tallied with the date of his assuming the citizenship of the other State.

85. Mr. RYCKMANS (Belgium) pointed out, in support of the United Kingdom representative, that the Hague Convention he had mentioned laid down that the date on which a person lost his nationality was the date on which he acquired a new nationality.

86. Furthermore, the New Zealand representative's wording automatically settled the question of whether a person wishing to retain or acquire another nationality should or should not lose Jerusalem citizenship, since the proposal allowed all Jerusalem citizens to possess dual nationality.

87. Mr. LAKING (New Zealand) repeated that his text was not intended to cover the issue of dual citizenship.

88. Mr. SAYRE (United States of America) said that the solution of the problem of dual citizenship must depend on making a distinction between the political rights of citizens and of residents, a point which would arise in connexion with a later article. The Council would have to decide whether the right to vote should be confined to citizens only, or whether it should also be conferred on residents. The issue of dual citizenship would be of greater or lesser importance according to the decision the Council adopted on voting rights. He therefore suggested that consideration of the question be deferred, with the provisional adoption of the New Zealand amendment to article 9.

89. The PRESIDENT suggested that the Council might provisionally take note of the New Zealand proposal, but defer formal acceptance thereof until it had decided whether residents were to have voting rights as the Working Committee on the draft Statute had decided after protracted discussion.

90. Mr. HOOD (Australia) said that a further problem should be borne in mind—namely, that the administration of the City might be stultified if a majority of citizens opted for citizenship of another State, thus depriving themselves of the right to share in the task of governing the City. Safeguards should be provided against such an occurrence.

91. Mr. RYCKMANS (Belgium) preferred the retention of the text of the 1948 draft, to the provisional acceptance of the text suggested by the New Zealand representative. The principle adopted would be that embodied in practically all legislative codes—namely, that any citizen acquiring a second nationality would lose the first.

92. Mr. LAKING (New Zealand) said that he had no objection to the Belgian representative's suggestion, but considered that further consideration of article 9 should be deferred for the reasons adduced by the United States representative.

93. The PRESIDENT announced that the Council would revert to article 9 at a later stage.

Article 10 : Selection of and responsibility of the Governor

94. The PRESIDENT recalled that, during the first reading, the representative of Belgium had proposed

the substitution of the words "or the adjoining States" for the words "the Arab State or the Jewish State".

95. Mr. SAYRE (United States of America) suggested the deletion from paragraph 3 of the words "provided that he shall not be a citizen of the City, the Arab State or the Jewish State". Since the Trusteeship Council was to appoint the Governor, it would presumably use its own judgment with regard to the latter's qualifications and nationality.

96. Mr. HENRÍQUEZ UREÑA (Dominican Republic) said that no change was required in paragraph 1. The second paragraph should be simplified to read: "The Governor shall make reports to the Trusteeship Council whenever necessary", unless the Council wished to receive annual reports, in which case that should be stated. With regard to paragraph 3, the United States suggestion might be adopted, thus leaving the Council a free choice in appointing the Governor.

97. Mr. JAMALI (Iraq) supported the United States and Dominican Republic amendments.

98. Mr. INGLÉS (Philippines) suggested the deletion of paragraph 3 in its entirety.

99. Sir Alan BURNS (United Kingdom) supported the Philippines amendment. He considered that paragraph 2 might also be deleted. The Governor would have many other duties, apart from that of making reports; it was unnecessary to single out one obligation.

100. Mr. RYCKMANS (Belgium) did not agree that there was no need for the phrase "without regard to nationality". However, he thought all that was required, as suggested by the United Kingdom representative, was to state that "The Governor of the City shall be appointed by the Trusteeship Council without regard to nationality and shall be responsible to the Council".

101. Mr. MUÑOZ (Argentina) believed it would be preferable if paragraph 1 of article 10 opened with the words: "There shall be a Governor of the City...".

102. Mr. RYCKMANS (Belgium) suggested, as an alternative wording: "The executive power shall be exercised by a Governor who shall be appointed...".

103. In requesting the retention of the phrase "without regard to nationality", his intention had been to stress that the question of nationality should have no bearing on the appointment of the Governor.

104. Sir Alan BURNS (United Kingdom) recalled that the formula: "The Governor shall..." was used in article 4. He believed that the texts of articles 4 and 10 should be identical.

105. Mr. LAKING (New Zealand) pointed out that the formula used in paragraph 2 of article 12 was: "The Governor, on behalf of the United Nations, shall exercise executive authority...".

106. Mr. MUÑOZ (Argentina) said he was prepared to withdraw his suggestion, but, referring to the Belgian representative's suggestion that the words "without regard to nationality" should be retained, said that he considered mention of one specific qualification unneces-

sary, in view of the fact that the Trusteeship Council would be responsible for the appointment of the Governor.

107. Mr. RYCKMANS (Belgium) said he would not press his suggestion, but wished to draw the Council's attention to the many references to geographical distribution in the Charter of the United Nations. If it was the Council's intention that the Governor should be selected without regard to nationality, it would be advisable to say so.

108. Sir Alan BURNS (United Kingdom) pointed out that in the original text of paragraph 3 the phrase "without regard to nationality" stood in apposition to the clause stipulating that the Governor should be selected on the basis of special qualifications. If the latter were deleted, the retention of the former became unjustifiable.

109. He therefore moved that the text of article 10 be amended to read as follows: "The Governor of the City shall be appointed by the Trusteeship Council and shall be responsible to that Council".

The United Kingdom representative's amendment to article 10 was provisionally accepted.

Article 10 as amended was provisionally accepted.

The meeting was suspended at 4.45 p.m. and was resumed at 5.15 p.m.

Article 11 : Term of office of the Governor

110. Sir Alan BURNS (United Kingdom) proposed that Article 11 be combined with article 10, to form one article entitled: "Selection and term of office of the Governor".

The United Kingdom representative's proposal was provisionally accepted.

Article 10 as amended was provisionally accepted.

Article 12 : General powers of the Governor

Article 12 was provisionally accepted.

Article 13 : Power of pardon and reprieve

Article 13 was provisionally accepted.

Article 14 : Preservation of order

111. The PRESIDENT recalled that, during the first reading (32nd meeting) of the draft Statute, the United Kingdom representative had proposed that the words "nor the adjoining States" should be substituted for the words "the Arab State or the Jewish State" and the alternative United States proposal that those words should be replaced by the phrase "nor from among the nationals of the State of Israel or of an Arab State".

112. Mr. SAYRE (United States of America) moved that the last sentence of paragraph 2 of article 14 be deleted, since it contained a proviso similar to that which had been deleted in article 10. The Governor should be left to exercise his discretion with regard to the recruitment of the special police force.

113. Mr. INGLÉS (Philippines) recalled that General Assembly resolution 181 (II) of 29 November 1947 stated explicitly that the special police force should be recruited outside Palestine. By accepting the United States representative's proposal, the Trusteeship Council would, in effect, amend the terms of that resolution. The proviso in article 10 differed from that in article 14 in that it related to functions pertaining to the Trusteeship Council. There was no need to refer to those functions in the draft Statute for Jerusalem.

114. Mr. SAYRE (United States of America) said that he did not wish to press his proposal, but pointed out that resolution 181 (II) also contained an explicit reference to the nationality of the Governor; nevertheless, the corresponding reference had been deleted from article 10.

115. Although he fully appreciated the point made by the Philippines representative, he was convinced that the General Assembly had wished the Trusteeship Council to draft the most satisfactory Statute possible within the general terms of the resolution, exercising its own discretion and judgment wherever necessary. The deletion of the last sentence from paragraph 2 of article 14 would in no way violate the terms of that resolution.

116. Mr. JAMALI (Iraq) recalled that General Assembly resolution 181 (II) laid down that members of the police force should be recruited outside Palestine. That intention should be reflected in article 14. The last sentence of paragraph 2 might be re-drafted to read: "Members of the police force shall not be from Palestine". Such a formula obviated a reference to the Arab or the Jewish States.

117. Mr. INGLÉS (Philippines) reiterated his argument, adding that it was patent that the Council must refrain from using the word "Palestine" in view of the changes which had supervened in that country since the General Assembly had adopted resolution 181 (II).

118. Mr. DE LEUSSE (France) considered that, since the preamble referred to the General Assembly resolutions 181 (II) and 303 (IV), it was unnecessary to mention them in every article. The Council respected the decisions of the General Assembly, and it was to be hoped and believed that the Governor would do likewise.

119. Sir Alan BURNS (United Kingdom) proposed that the proviso relating to recruitment of the special police force should be included in the instructions of the Council to the Governor of the City, which would be drawn up by the Council when it had finished drafting the Statute. One advantage of such a course would be that, if and when the position in the City became normal and a special police force was no longer required, the instruction could easily be rescinded. If, however, it were incorporated in the draft Statute, it would be much more difficult to remove.

120. Mr. INGLÉS (Philippines) said that he had no objection to the United Kingdom representative's proposal.

The United States representative's proposal to delete the last sentence of paragraph 2 of article 14 was provisionally accepted.

121. The PRESIDENT suggested that the Council might provisionally accept the United Kingdom representative's proposal that provision for the mode of recruitment of the special police force be embodied in the Council's instructions to the Governor of the City deleted from the draft Statute.

It was so agreed.

Article 14 : as amended was provisionally accepted.

Article 15 : Governor's emergency powers

Article 15 was provisionally accepted.

Article 16 : Organization of the administration

122. The PRESIDENT recalled that the Council had decided (32nd meeting) to delete the words "the Arab State or the Jewish State" from paragraphs 1 and 2.

123. Mr. RYCKMANS (Belgium) pointed out that in consequence of its previous decisions, the Council should also delete the whole of the last sentence of paragraph 1.

It was so agreed.

124. Mr. HENRÍQUEZ UREÑA (Dominican Republic) recalled that the Council had previously considered the deletion of the words "and, whenever practicable, from the residents of the City, the Arab State and the Jewish State" in paragraph 2. If that were done, the second sentence of paragraph 1, which constituted discrimination, could also be deleted.

125. Mr. RYCKMANS (Belgium) considered that there was still a need for the intentional discrimination provided in the original draft Statute in favour of residents of the City in respect of the lower administrative posts.

126. Sir Alan BURNS (United Kingdom) proposed that paragraph 2 be amended only by the deletion of the reference to "the Arab State and the Jewish State". Preference should certainly be given to local inhabitants, who must have first claim on posts in the administration.

127. Mr. HENRÍQUEZ UREÑA (Dominican Republic) supported the United Kingdom proposal.

The United Kingdom representative's amendment was adopted.

128. Mr. DE LEUSSE (France) pointed out a discrepancy between the French and English texts of paragraph 3, an equivalent of the words "et citoyens" being absent from the English text.

129. The PRESIDENT stated, after consulting document T/118/Rev.2, that the French text was correct and that the omission in the English text would be made good.

Article 16 as amended was provisionally accepted.

Article 17 : Disqualification from public office

Article 17 was provisionally accepted.

Article 18 : Oaths of office

130. Mr. HENRÍQUEZ UREÑA (Dominican Republic) considered that it should be laid down that the Governor take the oath of office before the Trusteeship Council, or before an authority designated by the Trusteeship Council, whereas the other officials mentioned in the article should take it before the Governor or his duly authorized representative.

131. Sir Alan BURNS (United Kingdom) considered that that point also should be dealt with in the Council's instructions to the Governor. He would, however, submit that the Governor should take his oath in public in the city before the Chief Justice. Other persons should take the oath before the Governor or a person designated by the Governor. That procedure should either be laid down in the instructions to the Governor, or incorporated in a statute to be passed by the legislature of the City.

132. Mr. HENRÍQUEZ UREÑA (Dominican Republic) agreed with the suggestion of the United Kingdom representative but pointed out that on the first occasion of a Governor's taking the oath of office, there would be no Chief Justice, as this appointment was to be made by the Governor himself. The Council would no doubt be able to devise a procedure to meet that difficulty. He believed that the Council was in agreement that all other officials should take the oath of office before the Governor or his duly authorized representative.

133. Sir Alan BURNS (United Kingdom) agreed that that difficulty would arise in the case of the first Governor, but said it must be presumed that the Chief Justice would be appointed very shortly after the Governor. If the latter took an oath before the Council, he should, none the less, take another formal oath in the presence of the people of Jerusalem. In succeeding governorships, the oath should be taken in the City by the Governor before the Chief Justice.

134. The PRESIDENT suggested that further consideration of the question be deferred until the time came to draw up the Instructions to the Governor.

135. Mr. HENRÍQUEZ UREÑA (Dominican Republic) signified his assent.

It was so agreed.

Article 19 : Acting Governor

Article 19 was provisionally accepted.

Article 20 : The Legislative Council

136. The PRESIDENT said that a number of important proposals relating to article 20 had been submitted by the delegations of France (T/L.36) and of the Dominican Republic (T/L.42).

137. Mr. DE LEUSSE (France) pointed out that his delegation considered that the reason for the internationalization of the City of Jerusalem was that the

latter was of vital concern to the three great monotheistic religions of the world. Hence those three religions should have equal representation in the Legislative Council. The aim of the French proposal was to ensure such representation.

138. The PRESIDENT reminded the Council of the second statement made at the thirty-eighth meeting by the representative of the Armenian Patriarchate of Jerusalem, who had claimed that the religious institutions of the Holy City should be represented on the Legislative Council, and had stated the reasons for which he regarded such representation as justified.

139. In the Working Committee which had originally drafted the Statute, the representative of Mexico had proposed that the Legislative Council should consist of Moslems, Jews and Christians in equal numbers. However, since the question of the municipalities and the degree of administrative autonomy to be accorded them had not been settled at that time, the majority of the Council had supported a solution based on proportional representation of the inhabitants.

140. The situation had changed considerably in the meantime, and the question of the composition and powers of the Legislative Council needed reconsideration. The question was linked with that of the administrative powers of the municipalities, which would be elected by universal suffrage. He thought that article 20 should be studied in the light of future decisions with regard to the municipalities.

141. Mr. HENRÍQUEZ UREÑA (Dominican Republic) explained the purpose and scope of the amendments (T/L.42) submitted by his delegation and suggested that the Council should first examine paragraphs 1 and 2, which concerned the establishment and functions of the Legislative Council, and thereafter deal with paragraphs 3 and 4, which concerned its composition. Since the composition proposed by his delegation differed from that suggested by the French delegation, he thought that the two proposals should be compared and a choice made between them.

142. Mr. DE LEUSSE (France) gave further details with regard to the amendment (T/L.36) to paragraph 3 of article 20 submitted by his delegation and, reminded the Council of the point of view expressed by the representative of the Armenian Patriarchate. Representation of the religious communities, however, involved another problem. He thought that it had been in Monsignor Tiran's mind that the Legislative Council should comprise two types of member: those elected by the Christian, Jewish and Moslem communities, on the one hand, and those representing the religious institutions, who might be appointed by the Governor, on the other, although Monsignor Tiran had not said anything specific on the latter point. The French proposal did not mention the second type of member, but he thought the suggestion by the representative of the Armenian Patriarchate should be examined.

143. Mr. RYCKMANS (Belgium) asked that the representative of the Armenian Patriarchate be requested to supply the Council with further details.

At the invitation of the President, Monsignor Tiran, representative of the Armenian Patriarchate of Jerusalem, took a seat at the Council table.

144. Monsignor TIRAN (representative of the Armenian Patriarchate of Jerusalem) said that his proposal that a number of representatives of the religious institutions in Jerusalem should sit on the Legislative Council was founded on the fact that the congregations of those institutions were spread all over the world. The followers of the three great religions expressed their views through the religious institutions established in Jerusalem. The local population had not in the past been considered as representing the interests and the views of the hundreds of millions of Moslems and Christians in the world, or those of the very many Jews. The Sublime Porte had always acted on the assumption that the religious institutions in Jerusalem represented worldwide constituencies.

145. It went without saying that the majority of the members of the Legislative Council would be composed of local inhabitants, but a certain number of members should be able to speak for the religious interests of the world, especially in view of the fact that the internationalization of Jerusalem was to be based on the universal significance of that City. Although the Legislative Council would be primarily a lay institution, it would be impossible to draw a clear dividing line between the religious and the secular questions with which it might be called upon to deal. The religious institutions in Jerusalem owned schools, establishments and properties which would necessarily be affected by any legislation that the Council might enact.

146. Moreover, the representatives of the religious institutions on the Legislative Council would enhance the stability of the legislative process, in that they would represent international, as opposed to purely local interests. The United Nations, which would undoubtedly have great authority in the City, would represent the secular, not the religious, international point of view.

147. He would also note that before the establishment of the British mandate in Palestine, the only existing council in Jerusalem had been the *Mejlis Idare* or Administrative Council. The religious institutions of Jerusalem had always appointed members to serve thereon.

148. With regard to the question of dual citizenship, he must state that the members of the religious institutions which would be represented on the Legislative Council would undoubtedly wish to retain their own nationality, despite long-standing residence in the City, since they would often be called upon to leave Jerusalem in order to carry out their educational and religious work.

149. Although he had made the foregoing statement on behalf of the Armenian Patriarchate of Jerusalem, he had reason to believe that it would be acceptable not only to other religious Christian institutions, but also to Jewish and Moslem religious opinion.

150. Mr. DE LEUSSE (France) asked Monsignor Tiran how he thought the representatives of the religious

communities should be appointed to the Legislative Council.

151. Monsignor TIRAN (representative of the Armenian Patriarchate of Jerusalem) replied that the decision as to which communities or institutions should appoint representatives to the Legislative Council must rest with the Governor, acting on the advice of his Administrative Council. He would assume that the institutions themselves would nominate their own representatives, subject to the Governor's approval.

Monsignor Tiran withdrew.

152. The PRESIDENT suggested that the Council should examine the first part of the amendments submitted by the Dominican delegation.

It was so agreed.

153. Mr. JAMALI (Iraq) moved that, in view of the importance of article 20 and of the amendments submitted thereto, further discussion on it be deferred.

It was so agreed.

154. The PRESIDENT announced that the Council would start to meet both mornings and afternoons the following week, although it might not be necessary to hold two meetings a day throughout the week. After completion of the second reading of the draft Statute, the Council would begin the third reading, when representatives would then have to vote on the draft Statute.

155. With regard to the timetable for the meetings, he proposed that the Council should not discuss the annual report for the Cameroons under British administration until 7 March, since the replies to the written questions relating to that Territory would not be ready until the afternoon of 6 March.

156. Sir Alan BURNS (United Kingdom) said he would be reluctant to accept any changes in the timetable which had been agreed upon by the Council earlier in the meeting. The special representatives for the Trust Territories of the Cameroons under British administration would reach Geneva the next day, and although answers to the written questions would not be available by the afternoon of 6 March 1950, the Council could nevertheless begin consideration of the annual reports. The special representatives would make statements, and there would undoubtedly be oral questions.

157. In order to meet the wishes of the representative of the United Kingdom, the PRESIDENT agreed that the timetable already adopted should remain unchanged.

The meeting rose at 6.20 p.m.

243rd meeting

FORTY-FIRST MEETING

*Held at the Palais des Nations, Geneva,
on Monday, 6 March 1950, at 11 a.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican