

77. The PRESIDENT put to the vote the amendments proposed by the Belgian representative to the two operative paragraphs.

They were adopted by 7 votes to 3, with 1 abstention.

78. The PRESIDENT put to the vote the draft resolution (T/L.41) submitted jointly by the Argentine and Philippines delegations as amended.

It was adopted as amended by 8 votes to none, with 3 abstentions.

The meeting rose at 1.25 p.m.

277th meeting

SEVENTY-FIFTH MEETING

*Held at the Palais des Nations, Geneva,
on Wednesday, 29 March 1950, at 3 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, Hashemite Kingdom of the Jordan, Syria.

126. 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/423 and T/L.72) (resumed from the 73rd meeting)

THIRD READING OF THE DRAFT STATUTE FOR JERUSALEM (T/L.72)

1. The PRESIDENT, before opening the discussion on the text of the draft Statute for Jerusalem provisionally accepted by the Trusteeship Council at the second reading (T/L.72), announced that he would call on the representative of the United States of America and the representative of the Hashemite Kingdom of the Jordan who had expressed the wish to address the Council.

2. Mr. SAYRE (United States of America) stated that now that the Council had embarked upon the third reading of the draft Statute it was reaching the end of the first stage of its task. From the outset, the attitude of the United States Government had been made clear. It believed in furthering the principles of democracy and in the duty to abide by the will of the majority; it was therefore resolved to co-operate with the Council in its task of drafting a Statute for Jerusalem within the framework of the provisions laid down in General Assembly resolution 303 (IV). As the representative of his Government, he had participated to the best of his ability in the work of the Council and he would vote in favour of those articles which were generally consistent with the terms of the General Assembly's resolution. That vote was to be considered as resulting from the co-operation of the United States in the technical task of drafting the Statute.

3. Mr. ABDUL-HADY (Hashemite Kingdom of the Jordan) said his Government's position with regard to the internationalization of Jerusalem was well-known to the members of the Trusteeship Council, and that position remained unchanged. However, before the Trusteeship Council proceeded to the third reading of the provisional text of the draft Statute for Jerusalem, he wished to state that his Government, while opposing the internationalization of Jerusalem, was not opposed to the United Nations assuring itself from time to time as to the protection of the Holy Places and the freedom of access to those places under the safeguard achieved by control by his Government.

4. The PRESIDENT said the Council would consider article by article the text of the draft Statute for Jerusalem as provisionally accepted in the course of the second reading (T/L.72).

5. Replying to an intervention by Mr. RYCKMANS (Belgium), who pointed out that the preamble ended with the words "Adopts the present Statute for the City of Jerusalem", the PRESIDENT agreed that it would be preferable to defer voting on the preamble until all the articles of the Statute had been considered. *Preamble.*

6. Mr. JAMALI (Iraq) suggested that the third paragraph of the preamble was redundant since the General Assembly's resolution had already been referred to in the first paragraph.

7. Mr. DE LEUSSE (France) drew the attention of the representative of Iraq to the fact that the body of the Statute contained several references to the "special objectives set out in the preamble"; those objectives were in fact set out in the third paragraph which should therefore be retained.

8. Mr. SAYRE (United States of America) suggested that the word "Adopts" in the last sentence of the preamble might be replaced by the word "Approves", which would conform with the wording of General Assembly resolution 303 (IV). As article 41 provided for the entry into force of the Statute at a date to be determined by resolution of the Council, there was no need for a provision for adoption of the Statute in its preamble.

9. The PRESIDENT said that the French word "adopter" was not synonymous with the word "approuver". One approved a text which had already been adopted by another competent body, and it would be difficult for the Council to "approve" a text which it had drawn up itself. It could merely adopt it.

10. Mr. SAYRE (United States of America) reaffirmed that his suggestion was based on the English text of General Assembly resolution 303 (IV).

11. At the request of Mr. JAMALI (Iraq) and Mr. FLETCHER-COOKE (United Kingdom), however, Mr. SAYRE stated that he would not press it.

It was agreed to defer further consideration of the preamble until the termination of the discussion on the remainder of the draft Statute.

Article 1 : Special international regime.

Article 1 was adopted by 9 votes to none, with 1 abstention.

Article 2 : Definitions and interpretations.

12. Mr. DE LEUSSE (France) asked the English-speaking representatives whether they insisted on the retention in article 2 of sub-paragraph (d), which was meaningless in French.

13. Mr. FLETCHER-COOKE (United Kingdom) stated that sub-paragraph (d) had originally been inserted at the suggestion of the United Kingdom representative because such a clause was normally included in legal instruments relating to territories for which the United Kingdom had responsibility. He did not however have any particularly strong views on the matter and as he proposed to abstain on that article as on all other articles of the draft Statute, it would not be appropriate for him to press for the inclusion of that sub-paragraph.

14. Mr. HOOD (Australia) said that although such a clause was in a sense necessary in legal instruments, it was of a highly technical nature and insistence upon its inclusion might suggest an excess of punctilio. He would therefore agree to its deletion.

It was agreed to delete sub-paragraph (d).

15. Mr. RYCKMANS (Belgium) suggested that, in the last line of sub-paragraph (g) in the French text, the words "dûment désignée" should be replaced by the words "dûment déléguée".

The suggestion was adopted, no alteration being necessary in the English text.

16. Mr. JAMALI (Iraq) stated that article 2 should include a definition of the term "community".

17. Mr. FLETCHER-COOKE (United Kingdom) stated in reply that in going through the text great care had been taken to ensure that where that term appeared its connotation was absolutely clear from the context. He did not, therefore, consider that a separate definition was required in article 2.

18. Mr. RYCKMANS (Belgium) drew the Council's attention to a matter of terminology in the French text which might cause difficulty. Sub-paragraph (f) of article 2 said: "When a power is conferred to make any order, or to enact¹ 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". Paragraph 3 of article 24, however, stipulated that "a bill adopted by the Legislative Council shall become law only upon approval and promulgation by the Governor", and went on "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". But he would then have the right to amend it, rescind it, repeal it, etc., if sub-paragraph (f) of article 2 were

retained in its present form. He therefore suggested that in the French text of that sub-paragraph the words "de promulguer" be replaced by the words "d'adopter". Promulgation was an act of the executive power, which did not give the Governor the power to rescind the law.

19. Mr. HENRÍQUEZ UREÑA (Dominican Republic) agreed with the Belgian representative.

The Belgian representative's suggestion was adopted, no alteration being necessary in the English text.

20. Mr. INGLÉS (Philippines) expressed doubts concerning sub-paragraph (f), as it appeared to enable the Governor to alter the legislation of the Legislative Council, a power which he did not enjoy under the provisions of article 13. He could under that article only approve or veto the legislation of the Legislative Council and under article 25 legislate by order when it was either not in session or had been suspended.

21. Mr. FLETCHER-COOKE (United Kingdom) suggested that the point raised by the Philippines representative was not a real difficulty. No bill passed by the Legislative Council could become law until it was approved by the Governor. There was therefore no question of the Governor wishing to alter laws once they had been promulgated.

22. Mr. DE LEUSSE (France) agreed with the United Kingdom representative, adding that it was perfectly clear from sub-paragraph (f) as amended, that a law adopted by the Legislative Council could be amended only by the Legislative Council.

Article 2 as amended was adopted by 10 votes to none, with 1 abstention.

Article 3 : Authority of the Statute

Article 3 was adopted by 10 votes to none, with 1 abstention.

Article 4 : Boundaries of the territory of the City

23. Mr. RYCKMANS (Belgium) suggested that in the French text the words "telle qu'elle a été adoptée le 29 novembre 1947" be replaced by the words "telle qu'elle était adoptée à la date du 29 novembre 1947".

It was so agreed, no alteration being necessary in the English text.

24. Mr. RYCKMANS (Belgium) said he also wished to raise a question of substance on article 4. He wondered whether it was really essential that the commission responsible for delimiting the precise boundaries of the City on the ground should be nominated by the Trusteeship Council. There seemed to be no objection to its being nominated by the Governor.

25. Mr. JAMALI (Iraq) stated that it was vital for the Council not to surrender its responsibilities for the boundaries of the City and it was its duty to guide the Governor in that respect.

Article 4 was adopted by 8 votes to none with 3 abstentions.

¹ In the French text, the word "promulguer" was used.

Article 5 : Functions of the Trusteeship Council

Article 5 was adopted by 10 votes to none, with 1 abstention.

Article 6 : Territorial integrity

Article 6 was adopted by 10 votes to none, with 1 abstention.

Article 7 : Demilitarization and neutrality

Article 7 was adopted by 10 votes to none, with 1 abstention.

Article 8 : Flag, seal, and coat of arms

Article 8 was adopted by 10 votes to none, with 1 abstention.

Article 9 : Human rights and fundamental freedoms

26. Mr. FLETCHER-COOKE (United Kingdom) stated that paragraph 11 took up the wording of article 19 of the Universal Declaration of Human Rights with the omission of the words "and regardless of frontiers" since they were not applicable in a constitutional document relative to a specific area.

27. The provisos in paragraphs 2 and 13, "subject only to the requirements of good government, public order, public morals and public health" and "except as may be required for the maintenance of good government, public order, public morals and public health", occurred in several articles of the draft Statute, and one of those standard formulae had been used in every case.

28. Mr. INGLÉS (Philippines) considered that the original wording, without the addition of the phrase, "good government" was adequate limitation. The new wording was too broad and vague and might include a variety of considerations. He therefore proposed the deletion of the words "good government" in paragraph 2.

29. Mr. SAYRE (United States of America) asked whether the amendment was proposed to paragraph 2 only.

30. Mr. RYCKMANS (Belgium) said that if in paragraph 2 of article 9 the words "good government" were to be omitted, it would be advisable, for the sake of uniformity, to omit those words from paragraph 13 as well.

31. Mr. INGLÉS (Philippines) replied that his amendment only applied to paragraph 2, which was broader in scope than paragraph 13 and dealt with a variety of freedoms that had to be protected, whereas paragraph 13 only referred to the protection of the freedom of religious or charitable bodies to conduct their affairs.

32. The PRESIDENT explained that the omission of the words "good government" from article 9 would not prejudice the Council's decision on those words in subsequent articles.

33. Mr. JAMALI (Iraq) said that he could see no substantial difference between "good government" and "public order". He also proposed that the substance of paragraph 13 be transposed to paragraph 2 by adding

the following sentence to the end of it: "No measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths".

34. Mr. RYCKMANS (Belgium) said he felt obliged to refute the suggestion that the terms "good government" and "maintenance of order" were synonymous. There might be bad governments who knew perfectly well how to keep order.

It was agreed to delete the words "good government" in paragraph 2.

35. Mr. SAYRE (United States of America) stated that he had no objection to the Iraqi representative's proposal, but he would suggest that the sentence added to paragraph 2 should be preceded by the words "subject to the same requirements".

36. Mr. FLETCHER-COOKE (United Kingdom) supported the United States representative's amendment to the Iraqi representative's proposal.

37. Mr. LAKING (New Zealand) pointed out that the Iraqi representative's proposal was really nothing more than a drafting point and he doubted whether the third reading of the draft Statute was the appropriate moment for introducing such drafting changes unless they involved questions of substance.

38. Mr. FLETCHER-COOKE (United Kingdom) shared the doubts expressed by the New Zealand representative, but observed that when he and the French representative had been asked to examine the texts of the draft Statute in both languages prior to the third reading, they had not been charged with the task of revising the texts with a view to eliminating all repetition, of which there were several examples. Had they been asked to do so they could have shortened the text. If the Iraqi representative's proposal for the amalgamation of paragraphs 2 and 13 were carried, it would be more consistent to effect similar readjustments elsewhere in the text.

39. Mr. JAMALI (Iraq) recalled that during the second reading of the draft Statute he had requested that the text be rendered more concise before the third reading and he would have thought that, particularly in the case of article 9, it would be possible to reduce the number of paragraphs.

40. The PRESIDENT asked if there were any objections to the Iraqi proposal, as amended by the United States representative, to delete paragraph 13 and add to the end of paragraph 2 the following sentence: "Subject to the same requirements, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths".

The proposal was adopted.

Article 9 as amended was adopted by 9 votes to none, with 2 abstentions.

Article 10 : Definition of residents

41. Mr. DE LEUSSE (France) proposed that, in the French text of sub-paragraph (c), the word "régle-

menter" be substituted for the word "prévoir" in the fifth line and the word "stipulera" substituted for the words "pourra stipuler".

It was so agreed.

Article 10, as amended in the French text only, was adopted by 10 votes to none, with 1 abstention.

Article 11 : Citizenship

42. Mr. RYCKMANS (Belgium) and Mr. HENRÍQUEZ UREÑA (Dominican Republic) proposed that, in the French text of paragraph 1 (a), the word "quelconque" be substituted for the words "quel qu'il soit".

It was so agreed, no alteration being necessary in the English text.

43. Mr. RYCKMANS (Belgium), after pointing out that under paragraph 1 (a), the Governor merely prescribed in what manner and within what period notice should be given, and not the notice itself, proposed that, in the French text of paragraph 1 (b), the words "pour ce qui est de faire ou non la notification prescrite à l'alinéa (a) ci-dessus" be replaced by the words "en ce qui concerne la notification prévue à l'alinéa (a) ci-dessus".

It was so agreed, no alteration being necessary in the English text.

44. Mr. LAKING (New Zealand) considered that paragraph 1 (a) should be rendered explicit by the insertion of the word "such" between the words "All" and "residents" and deletion of the words "of the City". It would then be clear that the residents in question were those covered by the definition set out in article 10.

The New Zealand representative's amendment was adopted, no alteration being necessary in the French text.

Article 11 as amended was adopted by 10 votes to none, with 1 abstention.

Article 12 : Selection and term of office of the Governor.

Article 12 was adopted by 10 votes to none, with 1 abstention.

Article 13 : General powers of the Governor

45. Mr. HENRÍQUEZ UREÑA (Dominican Republic) proposed deletion of the words "good government" in paragraph 3, as had previously been done in article 9, paragraph 2.

It was so agreed.

46. Mr. DE LEUSSE (France) proposed that, in paragraph 3 of the French text, the word "moralité" be substituted for the word "morale".

It was so agreed, no alteration being necessary in the English text.

47. Mr. DE LEUSSE (France) pointed out that the seventh paragraph of the preamble specifically raised the question of the protection of the Holy Places situated outside Jerusalem—a question no longer dealt

with in the body of the Statute itself, the Council having decided, during the second reading, to omit article 37 (67th meeting). If the Council considered it advisable to entrust the Governor with the task of protecting the Holy Places situated outside Jerusalem, it might be appropriate to include a paragraph to that effect in article 13. He proposed the following text, as a possible new paragraph 3 of article 13, the former paragraphs 3 and 4 becoming paragraphs 4 and 5 respectively: "The Governor shall be the protector of Holy Places and of religious buildings and sites located both inside and outside the City. In the case of the former he shall exercise the powers vested in him under article 38 and in the case of the latter shall negotiate with the States concerned agreements enabling him to perform his duties."

48. Mr. JAMALI (Iraq) observed that it should be clearly stated that the reference to Holy Places outside Jerusalem covered only those in Palestine.

49. The PRESIDENT suggested that the meeting be suspended until the text of the French representative's proposal had been circulated.

It was so agreed.

The meeting was suspended at 4.45 p.m. and was resumed at 5.20 p.m.

50. On resumption, Mr. DE LEUSSE (France) submitted a revised version of his proposal, reading as follows: "The Governor shall be the protector of Holy Places and of religious buildings and sites within the City. For this purpose he shall exercise the powers vested in him under article 38 of this Statute. He shall also negotiate with the States concerned agreements enabling him to provide protection for the Holy Places, religious buildings and sites outside the City".

51. Mr. FLETCHER-COOKE (United Kingdom) stated that he could not see any good reason for including in article 13, dealing with the general powers of the Governor, a provision designed to enable him to ensure the protection of the Holy Places outside the City. He had, at the sixty-seventh meeting, suggested that, as the Statute was concerned only with Jerusalem, such a provision would be more appropriately inserted in the instructions to the Governor. It had also been suggested that the Council might consider separately the question of the protection of the Holy Places outside Jerusalem and adopt a separate resolution on that question. He could not see how the last sentence of the French representative's revised proposal could find an appropriate place in the Statute.

52. Mr. RYCKMANS (Belgium) pointed out that in General Assembly resolution 303 (IV) two matters were confused which ought to have been treated separately: establishment of an international regime in Jerusalem and the question of protection of Holy Places outside Jerusalem. It was therefore permissible for the Council itself to deal with the second question in the Statute for Jerusalem, although in a sense it was distinct from the subject-matter of the Statute. For that reason he was prepared to accept the proposal

- of the French delegation, although he would have preferred the Council to adopt a special resolution.
53. The PRESIDENT pointed out that resolution 303 (IV) referred only to Holy Places.
54. Mr. DE LEUSSE (France) agreed that the words "religious buildings and sites" should be deleted from the third sentence of his revised proposal.
55. Mr. RYCKMANS (Belgium) proposed that, to meet the point made by the Iraqi representative, the words "in the Holy Land" should be inserted in the French proposal after the words "to provide protection".
56. Mr. JAMALI (Iraq) concurred in principle with the arguments of the French representative. In his view it would be appropriate to deal with the question of the protection of the Holy Places outside the City in the Statute. However, it would be preferable to retain paragraph 3 as in document T/L.72 and to make the last sentence of the French representative's revised proposal paragraph 4.
57. Mr. DE LEUSSE (France) accepted the Iraqi representative's suggestion. The proposed new paragraph 4 would begin with the words "the Governor shall negotiate".
58. Mr. JAMALI (Iraq) proposed the insertion of the words "and supervision" after the word "protection" in the proposed paragraph 4.
59. Mr. DE LEUSSE (France) pointed out that according to his proposal protection would be provided for the Holy Places outside Jerusalem by agreements concluded between the Governor and the States concerned. The agreements would probably provide for a system of supervision of the Holy Places, but he thought it unnecessary to go into further detail than in the text he had proposed.
60. Mr. JAMALI (Iraq) wondered whether General Assembly resolution 181 (II) did not make mention of the supervision of Holy Places located outside the City.
61. Mr. DE LEUSSE (France) remarked that in any case resolution 303 (IV) only alluded to protection of the Holy Places.
62. Mr. EBAN (Israel) submitted that the second sentence of the French representative's proposal might prejudice the agreements that were to be drawn up with the States concerned. Such agreements might place the responsibility for the protection of Holy Places located outside the City on the authorities or on the United Nations representative or on both. The French representative's proposal seemed to provide for that protection by the United Nations representative alone. He therefore suggested the following text: "The Governor shall negotiate with the States concerned agreements ensuring the protection of the Holy Places located outside the City".
63. Mr. DE LEUSSE (France) accepted the text suggested by the Israeli representative, because the General Assembly resolution did not specify the authority by which protection for the Holy Places was to be provided.
64. Mr. JAMALI (Iraq) said that as the authorities in question came into existence by virtue of General Assembly resolution 181 (II) they could not object to a reference to that resolution.
65. At his request, Mr. ALEKSANDER (Secretary to the Council, read paragraph 14 of Part III of the Plan of Partition with Economic Union annexed to Resolution 181 (II).
66. Mr. JAMALI (Iraq) said he would not like to see the Statute limit the powers granted to the Governor by the General Assembly in that resolution and requested the French representative to amend his text accordingly.
67. Mr. DE LEUSSE (France) proposed that, to cover the point made by the Iraqi representative, the words "in conformity with the resolutions of the General Assembly" should be added before the word "protection".
68. Mr. SAYRE (United States of America) considered that in view of the changed circumstances it would not be possible to apply the provisions of paragraph 14 of Part III of the Plan of Partition with Economic Union where it laid down that the Governor should determine on the grounds of powers granted to him by the constitutions of both States, whether the provisions of the constitutions of the Arab and Jewish States in Palestine dealing with Holy Places and the religious rights appertaining thereto were being properly applied and respected.
69. He therefore supported the suggestion for the inclusion in the instructions to the Governor of a direction to carry on negotiations with the States concerned to ensure the protection of the Holy Places located outside the City. If such a provision remained in the Statute, the wording of General Assembly resolution 181 (II) could not be used in it without alteration.
70. Mr. JAMALI (Iraq) observed that the word "resolutions" in the phrase "in conformity with the resolutions of the General Assembly" would include resolution 303 (IV) of 9 December 1949, which was complementary to resolution 181 (II) and which took account of the changed conditions. That fact should take care of the United States representative's difficulty.
71. Mr. EBAN (Israel) pointed out that any reference to resolution 181 (II) would imply an obligation on the part of the States concerned to insert an appropriate provision in their constitutions. That would have been possible when the United Nations was able to influence those constitutions, but conditions had changed. For one thing, Israel had no written constitution and might proceed only on the basis of a body of practices. He did not think the Council could instruct the Israeli Government as to what it should include in a constitution. In his view, the French text under consideration was appropriate in the circumstances, subject, of course, to the amendment he had proposed.

72. Mr. JAMALI (Iraq) observed that whether the States concerned had a constitution or only a body of practices taking the place of a constitution, they should make appropriate provision for guaranteeing what the General Assembly resolution required in the way of the protection of the Holy Places located outside Jerusalem. The General Assembly's interest in those Holy Places had not changed and would not change, for they belonged to the world.

73. Mr. DE LEUSSE (France) offered, in order to prevent the discussion from continuing indefinitely, to withdraw his proposal if the majority of the Council thought that definition of the powers of the Governor regarding protection of Holy Places outside Jerusalem ought to be the subject of a special resolution by the Council or ought to be embodied in the instructions to the Governor.

74. Mr. RYCKMANS (Belgium) remarked that the French proposal appeared fully to accord with the wishes expressed by the General Assembly in resolution 181 (II) which made it clear that the General Assembly intended to entrust the Governor with the protection of Holy Places outside Jerusalem. He thought therefore that the Council might accept the text proposed by the French delegation, which seemed calculated to satisfy all the members of the Council, and then decide later whether the text should appear in the Statute or be the subject of a special resolution.

75. The PRESIDENT suggested that the French proposal to introduce a new paragraph 4 into article 13 should be put to the vote first. If the majority of the Council decided against that proposal, it would be for the Council to decide later whether it was necessary to adopt a special resolution specifying the powers of the Governor with regard to the Holy Places outside Jerusalem, or whether the matter should be dealt with in the Instructions to the Governor.

It was so agreed.

76. The PRESIDENT put to the vote the proposal to insert in article 13 a new paragraph 4 as follows: "The Governor shall negotiate with the States concerned agreements ensuring, in conformity with the resolutions of the General Assembly, the protection of the Holy Places located in the Holy Land outside the City", and to renumber paragraph 4 paragraph 5.

The proposal was adopted by 9 votes to none, with 2 abstentions.

Article 13 was adopted as amended by 10 votes to none, with 1 abstention.

Article 14 : Power of pardon and reprieve

77. Mr. RYCKMANS (Belgium) proposed that in the third line of the French text the words "remise ou" should be added before the word "commutation".

It was so agreed, this amendment being reflected in the English text by the deletion of the word "any".

Article 14 as amended was adopted by 10 votes to none, with 1 abstention.

Article 15 : Preservation of order

Article 15 was adopted by 10 votes to none, with 1 abstention.

Article 16 : Emergency powers of the Governor

78. Mr. RYCKMANS (Belgium) proposed that paragraph 1 in the French text be altered to read as follows: "Si de l'avis du Gouverneur, l'administration est sérieusement entravée ou mise en échec par l'obstruction, passive ou active, de personnes ou de groupes de personnes, le Gouverneur au cours de la période de crise prendra telles mesures et telles ordonnances qu'il jugera nécessaires pour rétablir le fonctionnement efficace de l'administration et ces ordonnances auront force de loi nonobstant toutes dispositions contraires".

It was so agreed, no alteration being necessary in the English text.

Article 16 was adopted, as amended in the French text only, by 9 votes to none, with 1 abstention.

Article 17 : Organization of the administration

Article 17 was adopted by 10 votes to none, with 1 abstention.

Article 18 : Disqualification from public office

79. Mr. RYCKMANS (Belgium) proposed that the title should be altered in the French text only to read: "Incompatibilités dans l'exercice des fonctions publiques".

It was so agreed.

Article 18 was adopted, as amended in the French text only, by 10 votes to none, with 1 abstention.

Article 19 : Oaths of office

Article 19 was adopted by 10 votes to none, with 1 abstention.

Article 20 : Acting Governor

Article 20 was adopted by 10 votes to none, with 1 abstention.

Article 21 : The Legislative Council

80. Mr. RYCKMANS (Belgium) observed that the second sentence of paragraph 2 ought to have been deleted at the second reading and thought it had been retained by mistake.

It was decided to delete the second sentence of paragraph 2.

81. Mr. HENRÍQUEZ UREÑA (Dominican Republic) felt that it would be advisable to make the meaning of paragraph 4 clearer.

82. Mr. RYCKMANS (Belgium) stated that paragraph 4 had been included in the original draft Statute to provide for the event of one of the three colleges refusing to take part in elections. But since the words used were vague and liable to misinterpretation, it would be preferable for the paragraph to be deleted.

83. Mr. INGLÉS (Philippines) stated that he was fully aware of the background of the question, but that the introduction of a new element in the form of the members who were to be allocated non-elective seats warranted the retention of paragraph 4, since, until those members were appointed, there would be vacancies in the Legislative Council.

84. Mr. FLETCHER-COOKE (United Kingdom) suggested putting the word "vacancy" in the plural.

85. Mr. HENRÍQUEZ UREÑA (Dominican Republic) accepted the United Kingdom representative's suggestion and asked for the insertion of an additional clause stipulating that a quorum be required for the proceedings of the Council to be valid.

86. The PRESIDENT reminded the Council that paragraph 5 of article 26 provided that "A majority of the Legislative Council shall form a quorum."

87. Mr. HENRÍQUEZ UREÑA (Dominican Republic) said that in that case he was prepared to accept the suggestion of the Belgian representative to delete paragraph 4.

The Council decided to delete paragraph 4.

88. Mr. RYCKMANS (Belgium) proposed that in the French text of paragraph 3 the word "seront" should be deleted after the words "Les vingt-cinq membres" in the second sub-paragraph, and the words "le seront" added between the words "élus" and "par quatre collèges".

It was so agreed, no alteration being necessary in the English text.

89. Mr. RYCKMANS (Belgium) proposed that the last clause of the first sub-paragraph of paragraph 3 should be deleted as redundant since it appeared again in the fourth sub-paragraph.

It was so agreed.

90. Mr. LAKING (New Zealand) proposed that the words "mixed, the latter being" in the second sentence of the second sub-paragraph of paragraph 3 be replaced by the phrase "a fourth college which shall be".

It was so agreed.

91. Mr. JAMALI (Iraq) wondered whether the number of "other members", those to be allocated non-elective seats, was meant to remain indefinite or whether some maximum or ratio to the number of elected members should not be indicated.

92. The PRESIDENT pointed out that according to the last sentence of paragraph 3 it was for the Governor to submit an allocation plan to the Trusteeship Council.

93. Mr. JAMALI (Iraq) submitted that if a ratio were not fixed, the elected members might be at a disadvantage.

94. Mr. RYCKMANS (Belgium) had understood that there were to be nine, twelve or fifteen non-elective seats as might be decided by the Governor with a view to securing equal representation of the three religions.

95. Mr. JAMALI (Iraq) agreed with the Belgian representative. He simply wished to have a ratio limit inserted in the text and suggested "not exceeding half of the number of those elected".

96. Mr. LAKING (New Zealand) supported the Iraqi representative's suggestion.

97. Mr. FLETCHER-COOKE (United Kingdom) suggested that the first sub-paragraph be amended to read "The Legislative Council shall consist of twenty-five elected members and a number of other members not exceeding fifteen, to be allocated as hereinafter provided".

98. Mr. JAMALI (Iraq) accepted the United Kingdom representative's suggestion and suggested that the last sentence of the fourth sub-paragraph should read "The Governor shall submit to the Trusteeship Council a plan for the number and allocation of the non-elective seats".

99. Mr. RYCKMANS (Belgium) proposed that the first sentence of paragraph 3 should read simply: "The Legislative Council shall consist of twenty-five elected members and of not more than fifteen non-elected members", and that the last sentence of paragraph 3 should read: "The Governor shall submit to the Trusteeship Council a plan for the number and allocation of the non-elective seats".

The Belgian representative's proposal was adopted.

Article 21 was adopted as amended by 8 votes to none, with 3 abstentions.

The meeting rose at 6.25 p.m.

278th meeting

SEVENTY-SIXTH MEETING

*Held at the Palais des Nations, Geneva,
on Thursday, 30 March 1950, at 10.45 a.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.

127. Use of the Flag of the United Nations in Trust Territories (General Assembly resolution 325 (IV) of 15 November 1949) (T/L.9)

1. The PRESIDENT read out the following letter addressed to the Secretary-General by the World Federation of United Nations Associations :

"The World Federation of United Nations Associations, having a special interest in education on United Nations questions in Trust Territories and in the proposal to fly the United Nations Flag over these Territories, following the resolutions of the third and fourth Plenary Assemblies of our Federation, asks the Secretary-General to present to the Trusteeship Council a request that the latter should enable its representative