

be amply met out of the profits of the Cameroons Development Corporation.

143. Brigadier GIBBONS (special representative) said that the debit and credit balance would depend on the rate at which expenditure in the Trust Territory increased.

144. Mr. FLETCHER-COOKE (United Kingdom) said that there was no provision in the Trusteeship Agreement for the Territory of the Cameroons under British administration, or indeed in any other trusteeship agreement, which required the Administering Authority to spend more in a Territory than it derived from taxation therein. The tables in the statistical appendices to the annual report did not show the considerable amount of money spent in the Territory and contributed by the Nigerian Government or by the United Kingdom Government. Rather than criticism, he would have expected appreciation from the Trusteeship Council of the fact that the Administering Authority had gone beyond its legal commitments in spending money in the Trust Territory.

145. Mr. CARPIO (Philippines) said he appreciated the point made by the United Kingdom representative, but submitted that, whereas the Administering Authority had all along given the impression that it was making no profits in the Trust Territory, it had clearly emerged that something like fifty per cent of the enormous profits made by the Cameroons Development Corporation went to the Nigerian Government. Obviously, the Cameroons Development Corporation was a gold-mine. In the light of facts and figures which the Council had before it, he wished to question the validity of the argument that the Trust Territory had to be integrated with Nigeria because it was not self-supporting. The vast profits earned by the Cameroons Development Corporation rendered that argument untenable and, since the Administering Authority was not acting in the Trust Territory for its own pleasure, the situation had to be faced and taken into consideration by the Council.

146. The PRESIDENT requested the United Kingdom representative and the special representative to defer further replies to those observations until the next meeting.

The meeting rose at 6.50 p.m..

251st meeting

FORTY-NINTH MEETING

*Held at the Palais des Nations, Geneva,
on Friday, 10 March 1950, at 10.30 a.m.*

President : M. 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 : Israel, Hashemite Kingdom of the Jordan, Syria.

94. 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 and T/L.35) (resumed from the 47th meeting)

1. The PRESIDENT read out a telegram¹ which he had received from the Friends of Neture Karta in New York. He had understood that its signatories were requesting the Council to consult Chief Rabbi Ruben ben Gis of Jerusalem and his Rabbinical Court. With the Council's agreement, he could reply that, if the Chief Rabbi in question wished to be heard by the Council, he could come to Geneva, where the Council would receive him as it had received representatives of the Churches who had wished to submit their observations. If the Chief Rabbi was unable to come to Geneva, he could transmit a memorandum, which would be circulated to members of the Council.

2. Mr. RYCKMANS (Belgium) thought it would be preferable to reply that the Trusteeship Council had already stated that anyone wishing to express his views might request permission to do so.

3. Mr. JAMALI (Iraq) suggested that the authors of the telegram should simply be informed of the general invitation issued by the Council to all bodies which wished to do so to express their views on the preparation of the Statute for Jerusalem orally before the Council.

4. The PRESIDENT said that a reply along the lines suggested would be sent to the signatories of the telegram.

SECOND READING OF THE DRAFT STATUTE FOR JERUSALEM (T/118/REV.2 and T/L.35) (continued)

Article 26 : Immunity of members of the Legislative Council

5. The PRESIDENT recalled that no comment had been offered on Article 26 at the first reading.

6. Mr. LAKING (New Zealand) suggested that, as it was improper to describe a statement made by a member of a legislative body, in the course of his duties as an utterance, the word "said" should be substituted for the word "uttered" in paragraph 1. He considered that the words "or in order to counteract the effects of such crime" in paragraph 7 were redundant and should be deleted.

The New Zealand representative's suggestions were accepted.

Article 26 as amended was provisionally accepted.

Article 27 : Judicial system

7. Mr. DE LEUSSE (France) recalled that the representative of the Philippines had suggested during the first reading (34th meeting) that any dispute arising in connexion with the Holy Places should be settled by the Supreme Court. Such an arrangement might be

¹ Subsequently circulated as document T/457/Add.2.

acceptable to the representatives of the Greek Orthodox and Armenian Patriarchates. He himself shared the view of the representative of the Philippines, but was uncertain whether the relevant provision should be inserted in article 27 or in article 36.

8. Mr. RYCKMANS (Belgium) asked the French representative whether he had any assurance that such a solution would meet the wishes of the Armenian and Greek Orthodox Patriarchates.

9. Mr. DE LEUSSE (France) replied that he had had no special assurance on the point, but that, if he had understood the representatives of the two Patriarchates rightly, their suggestion was that all disputes concerning the Holy Places should be referred to an independent judicial body. The Supreme Court was precisely that type of court, and there was no need to add to the number of such bodies in the city by creating a special one for the Holy Places.

10. Furthermore, it was the Philippines representative, rather than himself, who should propose a text. He personally thought that it should be inserted in article 36.

11. The PRESIDENT suggested that consideration of the question should be deferred until the Council took up article 36.

12. Mr. RYCKMANS (Belgium) asked whether religious disputes were of such frequency as to keep a court fully occupied. If they were, the Supreme Court, were it called upon to deal with them, might find difficulty in performing the task in addition to its other functions.

13. The PRESIDENT said he did not think such disputes were of frequent occurrence. The present position was fairly satisfactory. Internal disputes often arose, but they were settled by representatives of the Churches. What might arise was a dispute between religious communities requiring settlement by a higher authority, which might be the Supreme Court. The existing *modus vivendi* had proved generally satisfactory over a long period, and it was to be hoped that that situation would continue. He did not think the Supreme Court would be overworked if such disputes were referred to it for settlement. A question which might, however, arise was whether a civil court was entitled to take a decision on a religious matter. If, on the other hand, a special court was set up to deal with such disputes, it might have very little to do, and would be a heavy burden on the City.

14. Mr. RYCKMANS (Belgium) concurred with that view, but was in favour of deferring the question until the Council came to discuss article 36, since, while it was agreed that the Supreme Court might be competent to settle disputes, it should not have power to draw up regulations.

15. The PRESIDENT explained that his remarks had been prompted by his recollection of the discussions on the draft Statute in 1948. It was true that the function of the Supreme Court would be mainly arbi-

tral. The religious communities would have to agree to submit their disputes to it.

16. Mr. JAMALI (Iraq) said that the question was one of world-wide interest, and that the Council should study it carefully.

17. The PRESIDENT stated that the Council would resume consideration of the question when it came to discuss article 36.

Article 28 : Constitutionality of legislation and official action

Article 28 was provisionally accepted.

Article 29 : Access to the City

18. The PRESIDENT recalled the proposal made during the first reading (32nd meeting) that the words "adjoining States" should be substituted for the words "Arab State and the Jewish State" in paragraphs 2 and 3.

19. Mr. JAMALI (Iraq) said that no distinction should be made in the provisions relating to access to the City between persons of different races, nationalities or religions. He urged the Council to delete paragraph 2.

20. Mr. HOOD (Australia) said that provision should be made in article 29 for free entry into the City of all persons who wished to visit it for a short period, and for immigration into the city for the purpose of taking up permanent residence there of persons who had not been permanent residents of the City at the time of the entry into force of the Statute. He formally proposed the deletion of paragraph 2, and the substitution of the words "of the City" for the words "of the Arab State or the Jewish State" in paragraph 3 of that article.

21. Mr. JAMALI (Iraq) said that immigration into the City should not only be controlled by the Governor, but should be permitted only in accordance with a quota system, which should apply equally to all mankind, and should ensure that the population of the City would not be increased by immigration to a point where the economic resources of the City could no longer support it.

22. Mr. SAYRE (United States of America) said he was doubtful whether the Council would be wise to adopt any of the amendments so far proposed to article 29. Paragraph 1 of that article related only to "foreign pilgrims and visitors"; and he believed that the authors of the draft Statute had inserted paragraph 2 with a view to preventing unnecessary restrictions on the entry into Jerusalem of persons living in the immediate vicinity of the City who required to visit it regularly for business or family reasons. Paragraph 3 related to immigration into the City for the purpose of taking up permanent residence there. It would be wrong to delete in their entirety the provisions of any one of those paragraphs. He suggested that the Council might nevertheless delete the words "reside in" from paragraph 2, since they might be interpreted as meaning that the citizens of adjoining States had the right to take up permanent residence in Jerusalem without further formality.

23. The PRESIDENT pointed out that the purpose of paragraph 2 was quite distinct from that of paragraph 1, which related solely to pilgrims. Paragraph 2 related to citizens or residents of the two adjoining States who might visit the City or even come to reside in it. It guaranteed to such persons freedom of movement within the City. But it had been thought advisable to leave the control of movement between Jerusalem and the two adjoining States to the Governor.
24. Mr. JAMALI (Iraq) said that it would be incorrect to use the words "adjoining States" in the plural in the draft Statute. He urged the Council to place strict limitations on immigration into Jerusalem, because he wanted it to become a spiritual centre, not a smugglers' paradise.
25. Mr. HENRÍQUEZ UREÑA (Dominican Republic) thought that paragraph 2 might be deleted. At the same time, paragraph 1 should be slightly amended, since it referred not only to pilgrims, but also to ordinary visitors. It might conclude with the words: "to all foreign pilgrims and visitors, who, without distinction as to nationality and faith, shall be free at any time to enter the City, visit and leave it". There would then be no distinction between the adjoining States and other outside countries. If paragraph 1 were thus amended, paragraph 2 would become unnecessary.
26. The PRESIDENT pointed out an important difference between paragraphs 1 and 2. The word "reside" did not appear in the former.
27. Mr. HENRÍQUEZ UREÑA (Dominican Republic) observed that paragraph 1 referred to freedom of entry into and of temporary residence in the City, the latter not constituting residence proper.
28. Paragraph 3 referred to permanent residence, for which there should be special regulations. Paragraph 1 could therefore be retained with the addition of some wording such as: "foreign pilgrims and visitors would then be free at any time to enter the City, visit and leave it". It was unnecessary to repeat "reside in", since the reference was to temporary residence.
29. Mr. DE LEUSSE (France) thought that paragraph 2 might well be deleted, and that no addition was required to paragraph 1. Freedom of entry into and of temporary residence in the City included the right to enter, to visit and to leave the City. The fundamental aim of paragraph 2 was to enable citizens of the adjoining States to reside in the City. Paragraph 3 concerned the residence of citizens of countries other than the adjoining States. If the intention was to make no distinction between residents of the adjoining States and residents of other States, paragraph 2 and the reference to "the Arab State or the Jewish State" in paragraph 3 could be deleted. If the Council agreed to delete paragraph 2, paragraph 1 could be re-drafted in such a way as to cover freedom of entry and exit for everyone, and paragraph 3 could be amended to cover immigration and final or long-term residence, which should, perhaps, be controlled, not by order of the Governor, but by a law of the City.
30. Mr. RYCKMANS (Belgium) thought it should be laid down that the freedom given to foreigners to enter the City and reside there temporarily should not prevent the authorities of the city from requiring travellers to carry passports. He asked whether persons from the surrounding area, if treated as foreigners, would have to carry passports. Paragraph 2 would make sense if no mention were made in it of residence.
31. He understood that it was intended to give equal standing to Jews and Arabs wishing to settle in the City. Border relationships had, however, also to be considered.
32. It would be possible to retain paragraph 1 and to say in paragraph 2: "Subject only to the requirements of public order and security, and of public morals and public health, citizens and residents of the adjoining States shall at all times be free to enter, visit and leave the City." The words "reside in" would be omitted, so as to show that citizens of adjoining States could not be required to hold passports. The words "and to the requirements of economic welfare as may be determined from time to time by the Governor under instructions of the Trusteeship Council" would also be omitted as applying only to residence.
33. Mr. FLETCHER-COOKE (United Kingdom) said that the authors of the draft Statute had intended paragraph 1 of article 29 to provide for the entry into Jerusalem of pilgrims and visitors from outside Palestine. The word "foreign" in that paragraph had thus been used to denote people who were not permanently resident in Palestine. At the time when the paragraph had been drafted, it had also been supposed that the States into which Palestine was to have been divided would be united economically.
34. The authors had also intended paragraph 2 to provide for the entry into the City of persons who lived in the area surrounding Jerusalem, which would be intersected by new boundaries dividing families and businesses. It would be most unfortunate if such persons were prevented from entering Jerusalem and contributing to its economic stability—for example, by bringing agricultural produce to sell there.
35. Paragraph 3 was intended to provide for the entry into and permanent residence in Jerusalem of persons who were not at present resident in the City. Article 29 of the draft Statute should consist of three paragraphs, each containing provisions relating to one of those three categories of persons. He appreciated the anxiety expressed by the representative of Iraq; the paragraphs should be very carefully drafted.
36. Mr. HENRÍQUEZ UREÑA (Dominican Republic) thought that a distinction should be made between persons merely entering and leaving the City and others. He recalled that, in many cases, facilities existed for crossing frontiers. Paragraph 2 could be retained if reference to the right of residence, which was provided for in other articles, were omitted, and if the paragraph were made to deal only with the right of free entry and exit of citizens of the adjoining States.

37. Mr. LIU (China) agreed with the United Kingdom representative that there were persons who would have to visit Jerusalem frequently for family or business reasons; however, the question of documents for their entry into Jerusalem would not be solved by the adoption of paragraphs 1 and 2 of article 29 as they stood. Those paragraphs provided for "free entry" into the City both for pilgrims and visitors from countries outside Palestine, and for persons living in the area surrounding Jerusalem. Paragraph 2 might be deleted, and the words "at all times" inserted in paragraph 1 to show that it applied to persons in the area surrounding Jerusalem who wished to visit the City frequently; he did not see how paragraph 2 itself could be amended so as to solve the question of identity papers in the case of persons living in the area surrounding Jerusalem.
38. Mr. DE LEUSSE (France) agreed with the Belgian representative. It should be made easy for inhabitants of the surrounding area to enter the City. He suggested the deletion of paragraph 2, and the insertion in paragraph 1 of the following words: "The legislation of the City shall provide for special provisions to facilitate entry into and exit from the City for inhabitants of adjoining areas (*frontaliers*)."
39. Mr. FLETCHER-COOKE (United Kingdom) proposed the following text as an alternative for paragraph 3: "3. Immigration into the City for the purpose of residence shall be controlled by order of the Governor under instructions of the Trusteeship Council." Moreover, that text might be amplified to satisfy the representative of Iraq.
40. Referring to the remarks of the representative of China, he thought the main purpose of paragraph 2 was to provide for the entry into Jerusalem of persons living in the surrounding area without identity papers. He assumed that paragraph 1 had been drafted on the assumption that visitors from countries outside Palestine would possess passports. To satisfy the representative of China, the Council might insert in article 29 a provision to the effect that the Governor should draw up regulations relating to the question of identity papers for persons wishing to enter Jerusalem.
41. Mr. RYCKMANS (Belgium) noted that the wording he had suggested had perplexed the Chinese representative, because paragraph 1 contained the words: "Subject only to the requirements of public order and security, and of public morals and public health", and the same provision appeared again in paragraph 2.
42. Those two paragraphs, however, differed in purpose. The requirements for foreigners and for border residents were different. Foreigners were normally required to fill up a form when they entered a hotel; it would be fair to apply the same rule to them when they came to visit the City or to reside there temporarily. It would, however, be unreasonable to require border residents entering the City on business only, to comply with the same formalities as foreigners. The requirements of public order were not identical in the two cases.
43. The PRESIDENT believed that the wording suggested by the French representative could be substituted for paragraph 2 in order to show clearly that different categories of visitors were involved.
44. Mr. JAMALI (Iraq) inquired whether persons living near the Franco-Swiss frontier enjoyed special facilities for crossing the frontier, and, if they did, whether provision for such facilities had been included in the constitution of either country.
45. He himself did not think that it was necessary to include such provision in any constitution or, by analogy, in the draft Statute for Jerusalem. But he would not oppose the adoption of the text suggested by the representative of France. There was an even more artificial frontier, which divided families, between Iraq and Syria than that which would be drawn between the international area of Jerusalem and the surrounding countryside, yet the frontier between Iraq and Syria was frequently crossed by members of such families without special arrangements having been made. Since that part of the Plan of Partition with Economic Union of the States forming Palestine had been discarded, it was unnecessary to insert in the draft Statute a text specifically providing facilities to enable persons living in the area surrounding Jerusalem to enter the City. He suggested the addition, at the end of the alternative version of paragraph 3 proposed by the representative of the United Kingdom, of the words "taking into consideration the principles of the absorptive capacity and of equality between the various religious communities".
46. The PRESIDENT pointed out that the frontier relations between France and Switzerland were governed by agreements under which frontier cards were issued to inhabitants of frontier regions who needed to travel frequently from one country to the other.
47. Mr. FLETCHER-COOKE (United Kingdom) said that it was much more important that the persons who would be living in the area surrounding Jerusalem should be granted facilities for entering the City, than it was that persons living in French territory adjacent to the canton of Geneva should be accorded special facilities for entering Switzerland, since there were banks and other amenities in the French territory concerned which were entirely lacking in the former area. If the representative of Iraq wished to propose that no more Jews or Arabs should be allowed to take up permanent residence in Jerusalem in any year than the number of Christians who took up residence there in the same year, and if that proposal were adopted, immigration into Jerusalem for the purpose of permanent residence would be very much restricted. What exactly had the representative of Iraq had in mind when advocating that immigration into the City should be permitted only on a quota basis?
48. Mr. JAMALI (Iraq) said that indeed his aim in suggesting such a system had been to restrict immigration because he wished to protect Jerusalem from the danger of its becoming a centre of political strife.

49. Mr. RYCKMANS (Belgium) disagreed with the suggestion of the Iraqi representative concerning immigration quotas. He understood that representative's anxiety to avert political conflict, but reminded him that the internationalization of Jerusalem had precisely that aim. In the same desire to ensure the maintenance of the peace, the Trusteeship Council had decided that the number of Jewish and Arab representatives on the Legislative Council should not depend upon the numerical strength of the communities. To forbid immigration would stultify the internationalization of the city.

50. The PRESIDENT pointed out that if the suggestion of the representative of Iraq was adopted, it would be necessary to fix quotas for persons who were not of the Christian, Jewish or Moslem faiths, such as Buddhists.

51. Mr. JAMALI (Iraq) thought that the same quota might be fixed each year for persons belonging to any other faith as was fixed for persons of the Christian, Jewish or Moslem faiths. It would not matter if the quota for persons belonging to any one faith was not taken up. His desire was to prevent unlimited and competitive immigration so as to avoid the danger of Jerusalem becoming a centre of political strife.

52. Mr. FLETCHER-COOKE (United Kingdom) stated that as he understood the suggestion of the representative of Iraq, if the quota for each of the three faiths was fixed for a given year at, for example, 500, but only ten persons of the Christian faith wished to immigrate into the City, only ten Moslems and ten Jews would be allowed into it. The question was surely not so much one of equality of quotas, as of equality in the actual number of immigrants.

53. Mr. JAMALI (Iraq) stated that the immigration quota system he was advocating was similar to that practised in the United States, Australia and other countries. The quotas for the three faiths would be equal. If any of them did not care to take up fully their quota for any one year, that would be their concern.

54. Mr. FLETCHER-COOKE (United Kingdom) stated that he understood the suggestion of the representative of Iraq was to guarantee to the three faiths equal quota rights, whether they were fully taken up or not, and that the fact that the quota for persons for one of the three faiths was not fully taken up in a given year, did not prevent the quotas for the other two faiths from being completely filled in that year or in the subsequent year.

55. Mr. RYCKMANS (Belgium) pointed out that the Iraqi representative's suggestion would not result in maintaining the equality he desired. For if one or two communities failed to take up their allotment, inequality would occur. If the quotas were fixed in relation to the absorptive capacity of the City, a community which did not take up its quota would at once make available a certain number of immigration permits which would be distributed over all the other commu-

nities and taken up by some and not by others, resulting in further unbalance.

56. In addition, the absorptive capacity of the City bore no relation at all to religious questions. For example, if the City could absorb agricultural workers, Arabs would come forward, whereas if it needed diamond cutters, only Jews would appear.

57. He therefore considered that article 29 could lay down only that the immigration rules should be free from religious discrimination. Such a provision would be in conformity with the Charter and the Universal Declaration of Human Rights.

58. Mr. HOOD (Australia) said that it would probably be impossible to lay down satisfactory specific instructions in the draft Statute regarding immigration into the City for the purpose of taking up permanent residence there. He proposed that the Council should content itself with laying down general principles to govern such immigration, and adopt the text proposed by the United Kingdom representative for paragraph 3, with the addition of the words "having regard to the absorptive capacity of the City and proportional equality between the various communities".

59. Mr. JAMALI (Iraq) said that he found paragraph 3 of article 29 in the form suggested by the representative of Australia acceptable.

60. Mr. LAKING (New Zealand) thought that the text proposed for insertion in article 29 by the representative of France, in particular the words "special provisions", might be interpreted in different ways. Did the representative of France consider that the text met the requirements of the General Assembly in respect of immigration into Jerusalem as set forth in resolution 181 (II)? He suggested that the texts proposed for insertion in article 29 by the French representative and that suggested by the Belgian representative might be combined.

61. Mr. DE LEUSSE (France) agreed, but remarked that he had allowed not for unspecified "special provisions", but for special provisions facilitating entry into the City, for example by doing away with passports for border residents.

62. Mr. LAKING (New Zealand) said that he would agree to the adoption of the text proposed by the French representative, provided that it was qualified by some such words as "subject to the requirements of security and economic welfare". The directives laid down in the draft Statute should be sufficiently clear to enable the persons who would be required to implement it to interpret them without difficulty. He suggested that the sentence "The legislation of the City shall make special provision to ensure that, subject to the requirements of security and economic welfare, special facilities be made available to residents of adjoining areas to enter and leave the City" should be inserted at the end of paragraph 1 of article 29.

63. Mr. DE LEUSSE (France) was prepared to accept the text suggested by the New Zealand representative,

even though it was not necessary, as the requirements of public order and security were already provided for in the first sentence of paragraph 1. Paragraph 2 had one purpose only—namely, to make entry into Jerusalem easier for persons living in the neighbourhood of the City.

64. Mr. RYCKMANS (Belgium) thought it would be possible to reconcile the New Zealand representative's suggestion with the French representative's proposal by inserting in paragraph 1 a second sub-paragraph, reading: "Special facilities shall be ensured by the legislation of the City for the inhabitants of the adjoining areas." Paragraph 2 of the original text could then be deleted.

65. Mr. DE LEUSSE (France) agreed with the Belgian representative's suggestion. Paragraph 1 would then be sub-divided as follows:

"Subject only to the requirements of public order and security, and of public morals and public health:

"(a) freedom of entry . . . ;

"(b) the legislation of the City shall provide for provisions to facilitate entry into and exit from the City for the inhabitants of the adjoining areas."

66. Mr. RYCKMANS (Belgium) said he had been convinced by the New Zealand representative's remarks that the proposal of the Australian representative was unacceptable. It had been the intention of the General Assembly that only considerations relating to the welfare of the City should justify restrictions on residence by citizens of the Jewish State and the Arab State. It therefore appeared impossible to insert in the draft Statute any provision to the effect that entry into the City would be refused to an Arab or to a Jew, so long as economic conditions allowed them to enter, simply because a community had not made full use of its immigration quota.

67. Mr. FLETCHER-COOKE (United Kingdom) asked whether the representative of Iraq could not agree to the adoption of article 29 if it was amended in the way suggested by the representative of Australia, in view of the fact that immigration into the City of Jerusalem would then be subject to the control of the Trusteeship Council through the Governor.

68. Mr. JAMALI (Iraq) pointed out that he had already done so. He could not, however, agree to the adoption of the article without the Australian representative's amendment or the inclusion of a provision with equivalent effect.

69. Mr. HOOD (Australia) said that paragraph 3 of article 29 was one of the passages in the draft Statute which should be revised so as to adapt it to existing conditions in Palestine in accordance with the instructions of General Assembly resolution 303 (IV). That was why he had proposed his amendment to add at the end of paragraph 3 the words "having regard to the absorptive capacity of the City and proportional equality between the various communities". It had become important that some provision should be made in the draft Statute to prevent persons from taking up residence

in Jerusalem in large numbers for political purposes. There was no conflict between the language of his amendment and the provision relating to immigration into Jerusalem in General Assembly resolution 181 (II), which was of a general, not a specific, nature.

70. The PRESIDENT recalled that the working Committee and the Council itself had unanimously come to the conclusion, after lengthy discussions, that the best solution would be to give the Governor the power to take all necessary steps in respect of immigration. The Governor would have received instructions to take the political factors into consideration, and to report to the Trusteeship Council on the measures which he judged appropriate.

71. Mr. JAMALI (Iraq) said that the question of immigration into Jerusalem was so important that, if the Council failed to insert adequate provisions on the subject in the draft Statute, it would be useless to attempt to internationalize Jerusalem or to endeavour to deliver it from political strife and eventual destruction.

72. The PRESIDENT recalled that the text of paragraph 3 proposed by the representative of the United Kingdom read: "Immigration into the City for the purpose of residence shall be controlled by order of the Governor under instructions of the Trusteeship Council", and that the representative of Australia had suggested the addition of the words "having regard to the absorptive capacity of the City and proportional equality among the various communities".

73. The PRESIDENT suggested that the United Kingdom representative's proposal be put to the vote first.

It was so agreed.

The United Kingdom representative's proposal was provisionally accepted.

74. Replying to Mr. FLETCHER-COOKE (United Kingdom), Mr. HOOD (Australia) said that the words "proportional equality" in the text which he had proposed had been intended to provide for the immigration of persons of different religions into Jerusalem in direct proportion to the numbers of persons of each religion at present resident there. He had thus intended to provide that those responsible for the control of immigration into Jerusalem should take into consideration simultaneously the absorptive capacity of the City and the need for proportional equality between the various communities.

75. Mr. MUÑOZ (Argentina) thought that, since the only logical construction that could be placed on the Australian representative's amendment was that it sought to achieve proportionate equality between the three religions in the City at some future date, the words "with a view to achieving" should be inserted between the words "of the City and" and "proportionate equality" in the text of the Australian amendment.

76. Mr. FLETCHER-COOKE (United Kingdom) said that the Australian representative's amendment failed to meet the views expressed by the representative of Iraq

concerning the introduction of a quota system for immigration into Jerusalem.

77. Mr. JAMALI (Iraq) explained that he would prefer the Council to provide for immigration into Jerusalem through a quota system only, to the adoption of the Australian representative's amendment; he had supported that amendment only because his own suggestion had found no support in the Council.

78. Mr. HOOD (Australia) suggested that some of the misgivings felt about his amendment might be dispelled if the words "during the first ten years after the entry-into-force of the Statute" were inserted therein.

79. The PRESIDENT pointed out that all the provisions of the draft Statute were intended to apply in the first instance only for a period of ten years. Therefore no useful purpose would be served by such a clause.

80. Mr. RYCKMANS (Belgium) asked that the Australian representative's amendment be put to the vote in two parts, the words "having regard to the absorptive capacity of the City" being voted upon separately.

81. Mr. INGLÉS (Philippines) asked that a separate vote be taken as to whether the word "proportional" should be retained in the wording proposed by the Australian representative.

82. The PRESIDENT put to the vote the first part of the Australian representative's amendment, for the addition of the words "having regard to the absorptive capacity of the City" to paragraph 3.

The first part of the amendment was provisionally accepted by unanimous vote.

83. The PRESIDENT put to the vote the proposal for the retention of the word "proportional" in the Australian representative's amendment.

The proposal was rejected by 4 votes to 2, with 5 abstentions.

84. The PRESIDENT put to the vote the remaining words of the Australian representative's amendment which read: "and equality among the various communities".

The final words of the amendment were provisionally accepted by 7 votes to 1, with 3 abstentions.

Article 29 as amended was provisionally accepted.

Article 30 : Official and working languages

85. Mr. MUÑOZ (Argentina) said that there were no languages which could properly be described as the "working languages of the United Nations"; he suggested that those words be replaced by the words "the working languages of the General Assembly".

86. Mr. ALEKSANDER (Secretary to the Council) said that he supposed that the authors of article 30 had meant by the words "the working languages of the United Nations", English and French, which, at the time when the article had first been adopted, had been the only working languages of the General Assembly.

87. Mr. JAMALI (Iraq) suggested the substitution of the words "English and French" for the words "working languages of the United Nations".

88. Mr. FLETCHER-COOKE (United Kingdom) asked what the Council thought would be the accepted meaning of article 30 if adopted in the form suggested by the representative of Argentina.

89. The PRESIDENT recalled that when the Council had originally adopted article 30 of the draft Statute it had been understood that Arabic and Hebrew would be the two official languages of the City and that they would be supplemented as working languages by the two Western languages commonly in use in the City—namely, English and French.

90. Mr. MUÑOZ (Argentina) said that the working languages of the General Assembly should be recognized as working languages for the administration of Jerusalem, since the United Nations would be responsible for that administration. The adoption of the amendment he had proposed would give rise to no difficulties.

91. Mr. SAYRE (United States of America) pointed out that the Trusteeship Council would be the organ of the United Nations primarily responsible for the administration of Jerusalem, and that rule 28 of its rules of procedure should therefore be made applicable to the administration of Jerusalem, rather than the corresponding General Assembly rule. If at any time the Council's rules of procedure were altered to add Spanish to its working languages, that addition should also be made to the additional working languages for administering the City.

92. Mr. RYCKMANS (Belgium) pointed out that if the working languages of the General Assembly were adopted for Jerusalem, the communications from the Governor to the Trusteeship Council would have to be transmitted in French, English and Spanish, and that, paradoxically enough, those would be the only documents in Spanish received by the Council. It would be more logical to refer to the working languages of the Trusteeship Council without specifying those languages.

93. Mr. JAMALI (Iraq) said that the Council should not draft article 30 in such a way as to make its provisions unpractical. Although many languages might be spoken in Jerusalem, translation of documents, after they had been published in Hebrew and Arabic, into English and French would be sufficient for all practical purposes, and would also keep expenditure at a minimum.

94. Mr. FLETCHER-COOKE (United Kingdom) said that it might be supposed that the words "the working languages of the Trusteeship Council . . . shall be used on the basis of absolute equality in the administration of the City" in conjunction with the first sentence of article 30, meant that every law and by-law made in Jerusalem should be published in the four working languages. If they were, the funds which it had been suggested should be made available for the administration of the City would be very far from adequate.

95. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information from

Non-Self-Governing Territories) said that the meaning of article 30 was admittedly not clear; he believed that the second sentence had been included in order to enable the Governor to employ on his staff persons who knew French or English, but not Hebrew or Arabic. The adoption of the sentence would not necessarily entail the translation of every document used for the administration of the City from the working language in which it was drafted into every other working language; for the languages would be used "on the basis of absolute equality" if none of those documents was translated.

96. Mr. FLETCHER-COOKE (United Kingdom) suggested that the words "may be recognized, subject to the discretion of the Governor", should be substituted for the words "shall be recognized", so as to make the use of all the working languages of the General Assembly or the Trusteeship Council, as the case might be, permissive and not compulsory.

97. Mr. RYCKMANS (Belgium) considered that the interpretation given by the Assistant Secretary-General was correct. Article 30 had been formulated to make it possible for reports from the Governor to the Trusteeship Council to be drafted in French or English. Similarly, international officials working in Jerusalem would not necessarily have to know Hebrew or Arabic, but should be authorized to use English or French, even for their internal communications.

98. Mr. MUÑOZ (Argentina) said that the Government and inhabitants of Jerusalem, having the right to address communications to the United Nations, should be free to do so in any of the working languages of the General Assembly. If the Council adopted article 30 as amended by his proposal, the article need not be construed to mean that the Governor should submit all his communications to the Trusteeship Council in all the working languages.

99. Mr. JAMALI (Iraq) said that the different languages should be used in Jerusalem in much the same way as they were used in Trust Territories, where, although indigenous languages were used every day, only European languages were used in compiling the annual reports of the Administering Authorities.

100. Mr. FLETCHER-COOKE (United Kingdom) recalled that many petitions had been addressed to the Council in Swahili. However, for the purposes of article 30 a distinction should be made between the use of languages for the purpose of administering the City and the use of languages for making communications to the Trusteeship Council. He suggested that the wording of article 30 be changed to read: "Arabic and Hebrew shall be the official and working languages of the City. The working languages of the Trusteeship Council may be used as additional working languages in the administration of the City, and shall be used in matters relating to the supervision in the administration of the City."

101. Mr. MUÑOZ (Argentina) pointed out that the mother tongue of the Governor, who would be responsible to the Trusteeship Council for the administration of Jerusalem, might not be English or French. He

would agree to the adoption of the text suggested by the representative of the United Kingdom provided it was amended by replacing the words "Trusteeship Council" by the words "General Assembly".

102. Mr. RYCKMANS (Belgium) pointed out that the text suggested by the United Kingdom representative might be understood in various ways. He feared it might lend itself to an interpretation which the United Kingdom representative had not intended. It might be understood as meaning that the Governor would have to submit his report to the Trusteeship Council in both English and French, the translation being done in Jerusalem. That difficulty could be overcome by replacing the words "shall be" by the words "may be".

103. Mr. MUÑOZ (Argentina) said that article 30 should be worded in such a way as to ensure that the Governor submitted all his reports to the Trusteeship Council in one of the working languages of the General Assembly; they should then be circulated in all three working languages of the General Assembly, after translation by the United Nations Secretariat.

104. Mr. FLETCHER-COOKE (United Kingdom) said that in suggesting a new text for article 30, he had not intended to suggest that the Council should lay down that the Governor should submit his reports in both its working languages.

105. The PRESIDENT considered that the reports from the Administering Authorities responsible for Trust Territories could not be compared with those which would be submitted by the Governor of Jerusalem. The Administering Authorities were not subject to United Nations rules and procedure in respect of the submission of their reports, whereas the Governor would be.

106. Mr. HOOD (Australia) said there was no need to include in the draft Statute a provision relating to the question of the language in which reports by the Governor to the Trusteeship Council should be written. If the reason advanced by the Assistant Secretary-General for the present wording of article 30 was, as he himself believed, correct, the Council should lay down in article 30 that the working languages of the General Assembly might be used in the administration of the City.

107. Mr. DE LEUSSE (France) suggested a form of wording closer to the idea expressed by the Australian representative—namely: "The working languages of the Trusteeship Council may be recognized as additional working languages and should be used in that case on the basis of absolute equality." It would be advisable not to specify whether the administration of the city or correspondence with the Trusteeship Council was involved, and the words "in the administration of the City" should therefore be omitted.

108. Mr. HENRÍQUEZ UREÑA (Dominican Republic) thought that if the Council agreed to replace the words "shall be" by "may be", as suggested by the Belgian representative, there would be nothing against providing that the working languages would be those of the

General Assembly. The Governor and the Administration would be entirely free to use the language they considered most practical in each case. He therefore proposed that, in addition to the replacement of the words "shall be" by the words "may be", it be provided that the working languages should be those of the General Assembly.

109. Mr. INGLÉS (Philippines) suggested that the Council should take as a basis for article 30 the wording used in the Plan of Partition with Economic Union, part III, section C, paragraph 10, and that the text of article 30 be accordingly amended to read simply: "Arabic and Hebrew shall be the official and working languages of the City. The legislation of the City may adopt one or more additional working languages as may be required." It was unnecessary to include in the draft Statute any directive as to the language in which communications should be addressed to the Trusteeship Council by the Governor of Jerusalem or other persons; that point could be taken care of in the instructions to the Governor.

110. Mr. JAMALI (Iraq) supported the Philippines suggestion.

111. Mr. DE LEUSSE (France) said he preferred the wording suggested by the United Kingdom representative to that of the Philippines representative, in view of the possibility of disagreement between the Legislative Council and the Governor in the matter of the working languages.

112. Mr. RYCKMANS (Belgium) considered that the words "and working languages" in the first sentence of article 30 were not necessary. The article would be quite clear if the words "Arabic and Hebrew shall be the official languages of the City" were followed by a phrase to the effect that the working languages of the Trusteeship Council might be used as additional working languages.

113. The PRESIDENT put to the vote the suggestion of the Philippines representative to replace the existing text of article 30 by the following words: "Arabic and Hebrew shall be the official and working language of the City. The legislation of the City may adopt one or more additional working languages as may be required."

The Philippines representative's text was provisionally adopted, by 5 votes to 3, with 3 abstentions.

Article 30 as amended was provisionally accepted.

114. Mr. RYCKMANS (Belgium) explained that he had voted against the new text because he considered that it was not for the legislation of the City to fix the language to be used by the Governor in his relations with the Trusteeship Council.

115. The PRESIDENT recalled that the representative of the Philippines had explained that his proposal applied solely to the internal administration of the City, and not to the relations of the Governor with the United Nations.

116. Mr. RYCKMANS (Belgium) said that in the light of the President's explanation he could accept the new text of article 30.

The meeting rose at 1.25 p.m.

252nd meeting

FIFTIETH MEETING

*Held at the Palais des Nations, Geneva,
on Friday, 10 March 1950, at 3 p.m.*

President: Mr. Roger GARREAU,

*Later: Mr. HENRÍQUEZ UREÑA (Dominican Republic)
(Vice-President).*

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

95. Examination of annual reports on the administration of Trust Territories (resumed from the 48th meeting)

CAMEROONS UNDER BRITISH ADMINISTRATION, 1948
(T/413, T/461, T/485, T/485/Add.1, T/L.47 and T/L.47/Add.1) (continued)

At the invitation of the President, Brigadier Gibbons, special representative of the Administering Authority for the Trust Territory of the Cameroons under British administration, took his place at the Council table.

1. Mr. KHALIDY (Iraq) stated that before replying to the question which he, as ex-Chairman of the Visiting Mission, had been asked at the forty-eighth meeting by the Philippines representative, he wished to state his views on what he considered a fundamental question of principle. He considered that the Philippines representative, and any other representative, was perfectly entitled to address questions to the ex-Chairman of the Visiting Mission to Trust Territories in West Africa. In view of the facilities the Mission had received for making a comprehensive study at first hand of conditions in the Trust Territory, its members and Chairman had not only the right, but the duty to answer any questions raised in connexion with their report, to explain the reasons for their findings, and, if necessary, to draw the Council's attention to aspects of their report which they considered were being neglected.

2. In the opinion of his delegation, Visiting Missions were the most important innovation introduced under the trusteeship system, and it had no intention whatsoever of doing anything which might detract from the importance attached to them and their reports. Unless the reports of Visiting Missions were taken into very careful consideration by the Council, the whole purpose of such Missions would be lost. His delegation would have preferred the report of the Visiting Mission on the Cameroons under British administration (T/461) to have formed the subject of a separate discussion. Having wasted so much time, however, through failure