

TRUSTEESHIP
COUNCILCONSEIL
DE TUTELLET/77
2 December 1947

ORIGINAL: ENGLISH

SECOND SESSION

RESOLUTION OF THE GENERAL ASSEMBLY CONCERNING
THE FUTURE GOVERNMENT OF PALESTINE
(DOCUMENT A/516, PART III)Letter from the Secretary-General to the
President of the Trusteeship Council

1 December 1947

Sir,

I have the honour to draw your attention to the resolution adopted by the General Assembly on 29 November 1947 concerning the Future Government of Palestine, in which it is requested that "the Trusteeship Council be informed of the responsibilities envisaged for it in this Plan". In this connection, I enclose herein a copy of document A/516 in Part III of which are set forth the responsibilities under reference.

I have the honour to be,

Sir,

Your obedient Servant,

Trygve Lie
Secretary-General

The Honourable Francis B. Sayre,
President of the Trusteeship Council
of the United Nations,
United States Mission to the United Nations,
2 Park Avenue,
New York 16, N.Y.

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/PART III.

PART III. CITY OF JERUSALEM

A. The City of Jerusalem shall be established as a corpus separatum under a Special International Regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern Bethlehem; the most western Ein Karim (including also the built-up area of Motsa) and the most northern Shu'fat, as indicated on the attached sketch-map (Annex B).

C. The Trusteeship Council shall within five months from the approval of the present plan elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. Government machinery: Special objectives.

The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the City of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem.

(b) To foster co-operation among all the inhabitants of the City in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. Governor and Administrative Staff

A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the City and of

/the rest of

the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the City shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. Local autonomy

(a) The existing local autonomous units in the territory of the City (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. Security measures

(a) The City of Jerusalem shall be demilitarized, its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the City, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. Legislative organization

A legislative council, elected by adult residents of the City irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing the bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

/6. Administration

6. Administration of justice

The Statute shall provide for the establishment of an independent judiciary system including a court of appeal. All the inhabitants of the City shall be subject to it.

7. Economic Union and Economic Regime

The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all Members of the United Nations and their nationals.

8. Freedom of transit and visit; Control of residents

Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the City for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. Relations with the Arab and Jewish States

Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connection with the international administration of the City.

10. Official languages

Arabic and Hebrew shall be the official languages of the City. This will not preclude the adoption of one or more additional working languages, as may be required.

11. Citizenship

All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed the notice of intention to become citizens of the Arab or Jewish State respectively, according to Part I, section B, paragraph 9 of this Plan.

The Trusteeship Council shall make arrangements for Consular protection of the citizens of the City outside its territory.

12. Freedoms of citizens

1. Subject only to the requirements of public order and morals, the
/inhabitants

inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

2. No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

3. All persons within the City shall be entitled to equal protection of the laws.

4. The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The City shall ensure adequate primary and secondary education for the Arab and Jewish community respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

13. Holy Places

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Places, religious building or site which was exempt from taxation on the date of the
/creation

creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine

1. The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

2. With relation to such Places, buildings and sites in Palestine outside the City, the Governor shall determine on the ground 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 therewith and the religious rights appertaining thereto are being properly applied and respected.

3. The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

D. Duration of the Special Regime

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.
