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STATUTE FOR THE CITY OF JERUSALEM

Approved by the Trusteeship Council at the eighty-first
Meeting on 4 April 1950.

Preamble

WHEREAS the General Assembly of the United Nations in its Resolution 181(II) of 29 November 1947, laid down that the City of Jerusalem, as delimited in that Resolution, should be established as a corpus separatum under a Special International Regime and should be administered by the United Nations:

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

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

"(a) To protect and to preserve the unique spiritual and religious interests located in the City of 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 cooperation among all the inhabitants of the City in their own interests as well, as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities":

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

WHEREAS the Trusteeship Council prepared on 21 April 1948 the Draft Statute for the City of Jerusalem (Document T/118/Rev.2):

WHEREAS the General Assembly of the United Nations, in its Resolution 194 (III) of 11 December 1948 resolved that a special treatment separate from that accorded to the rest of Palestine should be accorded to the Jerusalem area and that it should be placed under effective United Nations control:

WHEREAS the General Assembly of the United Nations, in its Resolution 303 (IV) of 9 December 1949 restated "its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem", and requested the Trusteeship Council to "complete the preparation of the Statute of Jerusalem (T/118/Rev.2), omitting the now inapplicable provisions" and, "without prejudice to the fundamental principles of the international regime for Jerusalem set forth in the Resolution of 29 November 1947 introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation":

THE TRUSTEESHIP COUNCIL,

IN PURSUANCE OF the aforesaid Resolutions,

APPROVES the present Statute for the City of Jerusalem.

Article 1

Special International Regime

The present Statute defines the Special International Regime for the City of Jerusalem and constitutes it as a corpus separatum under the administration of the United Nations.

Article 2

Definitions and interpretations

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

- (a) "City" means the territory of the corpus separatum;
- (b) "Governor" means the Governor of the City, and includes, to the extent of his authority, any officer authorized by or in pursuance of this Statute to perform the functions of the Governor;
- (c) "Instructions of the Trusteeship Council" means any instructions, whether of a general or special character, which are given by the Trusteeship Council in relation to the application of this Statute;
- (d) When a duty is imposed or a power is conferred, the duty shall be performed and the power may be exercised from time to time as occasion requires;
- (e) When a power is conferred to make any order, or to enact any legislation, or to give any instruction or direction, the power shall be construed as including a power to rescind, repeal, amend or vary the order, legislation, instruction or direction;
- (f) When a duty is imposed or a power is conferred on the holder of an office, the duty shall be performed and the power may be exercised by the holder of the office or by a person duly appointed to act for him.

Article 3

Authority of the Statute

This Statute shall prevail in the City. No judicial decision shall conflict or interfere with its provisions, and no administrative act or legislative measure which conflicts or interferes with its provisions shall be valid.

Article 4

Boundaries of the territory of the City

1. The territory of the City shall include the municipality of Jerusalem, as delimited on 29 November 1947, together with the surrounding villages and towns, the most eastern of which is Abu Dis; the most southern Bethlehem; the most western Ein Karim (including also the built-up area of Motsa) and the most northern Shu'fat.

2. The precise boundaries of the City shall be delimited on the ground by a Commission to be nominated by the Trusteeship Council. A description of the boundaries so delimited shall be transmitted to the Trusteeship Council for its approval and a description of the approved boundaries shall be annexed to this Statute.

Article 5

Functions of the Trusteeship Council

The Trusteeship Council, by virtue of the authority conferred upon it by General Assembly Resolutions 181 (II) of 29 November 1947 and 303 (IV) of 9 December 1949, shall discharge the responsibilities of the United Nations for the administration of the City in accordance with this Statute.

Article 6

Territorial integrity

1. The territorial integrity of the City and the special régime as defined in this Statute shall be assured by the United Nations.

2. The Governor, appointed by the Trusteeship Council in accordance with the provisions of Article 12, shall inform the Trusteeship Council of any situation relating to the City the continuance of which is likely to endanger the territorial integrity of the City, or of any threat of aggression or act of aggression against the City, or of any other attempt to alter by force the special régime as defined in this Statute. If the Trusteeship Council is not in session and the Governor considers that any of the foregoing contingencies is of such urgency as to require immediate action by the United Nations, he shall bring the matter to the immediate attention of the Security Council through the Secretary-General of the United Nations.

Article 7

Demilitarization and neutrality

1. The City shall be, and remain, neutral and inviolable.
2. The City shall be demilitarized and no para-military formations, exercises or activities shall be permitted within its borders. No armed forces, except as may be provided under Article 15 of this Statute or under the authority of the Security Council, shall be allowed in the City.

Article 8

Flag, seal and coat of arms

The Legislative Council, constituted in accordance with the provisions of Article 21, may approve a flag, a seal and a coat of arms for the City.

Article 9

Human rights and fundamental freedoms

1. All persons are entitled to all the rights and freedoms set forth in this Statute, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. All persons shall enjoy freedom of conscience and shall, subject only to the requirements of public order, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of religion and worship, language, education, speech and Press, assembly and association, petition (including petition to the Trusteeship Council), migration and movement.

Subject to the same requirements no measure shall be taken to obstruct or interfere with the activities of religious or charitable bodies of all faiths.

3. All persons have the right to life, liberty and security of person.
4. All persons are equal before the law and are entitled without any discrimination to equal protection of the law. All persons are entitled to equal protection against any discrimination in violation of this Statute

and against any incitement to such discrimination.

5. No person may be arrested, detained, convicted or punished, except according to due process of law.

6. No person or property shall be subjected to search or seizure, except according to due process of law.

7. All persons are entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them.

8. All persons charged with a penal offence have the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.

No person shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

9. No person shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. All persons have the right to the protection of the law against such interference or attacks.

10. All persons have the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief, and freedom, either alone or in community with others, either in public or in private, to manifest their religion or belief in teaching, practice, worship and observance.

11. All persons have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media.

12. The legislation of the City shall neither place nor recognize any restriction upon the free use by any person of any language in private intercourse, in religious matters, in commerce, in the Press or in publications of any kind, or at public meetings.

13. The family law and personal status of all persons and communities and their religious interests, including endowments, shall be respected.

14. All persons, as members of society, have the right to social security and are entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of the City, of the economic, social and cultural rights indispensable for their dignity and the free development of their personalities.

15. Without prejudice to the provisions of the preceding paragraphs, the Universal Declaration of Human Rights shall be accepted as a standard of achievement for the City.

16. At such time as the proposed United Nations Covenant of Human Rights shall come into force the provisions of that Covenant shall enter into force also in the City in accordance with the provisions of Article 37 of this Statute.

Article 10

Definition of residents

For the purposes of Articles 11, 17, 21, 22 and 42 of this Statute, the following persons shall be deemed to be residents of the City:

(a) Persons who were ordinarily resident in the City on 29 November 1947 and have remained ordinarily so resident since that date;

(b) Persons ordinarily resident in the City on 29 November 1947, who, having left the City as refugees, subsequently return for the purpose of residing there;

(c) Persons who do not qualify as residents under paragraphs (a) or (b) of this Article but who, after 29 November 1947 have been ordinarily resident in the City for a continuous period of not less than three years, and have not ceased to be ordinarily so resident: Provided that the legislation of the City may make provision for the registration of persons ordinarily resident in the City, and that subject to such exceptions as are provided for in that legislation, persons shall be deemed not to be ordinarily resident in the City for the purposes of paragraphs (a), (b) and (c) of this Article during any period in which they are in default in complying with the requirements of the legislation as to registration.

Article 11

Citizenship

1. All persons who at the date of coming into force of this Statute are residents of the City within the meaning of Article 10 of this Statute shall become ipso facto citizens of the City: Provided that:

(a) All such residents who, at the date of coming into force of this Statute, are citizens of any State and who give notice in such manner and within such period as the Governor shall by order prescribe of their intention to retain the citizenship of that State shall not be deemed to be citizens of the City;

(b) Unless a wife gives notice on her own behalf within the period prescribed by order of the Governor, she shall be bound by the decision of her husband in either submitting or not submitting notice as prescribed by sub-paragraph (a) above;

(c) A notice given by a parent or legal guardian in accordance with the provisions of sub-paragraph (a) above shall bind his or her children of minor age of whom he or she has custody: Provided that such a minor, on attaining his majority, may opt for the citizenship of the City by giving notice in such manner as the Governor may by order prescribe.

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

Article 12

Selection and term of office of the Governor

1. The Governor shall be appointed by and responsible to the Trusteeship Council.

2. The term of office of the Governor shall be three years from the time of his appointment: Provided that:

(a) The Trusteeship Council may extend the term of office of the Governor in any particular case for such period as it may deem fit;

(b) The Governor may resign his appointment upon due notice to the Trusteeship Council and the Trusteeship Council may terminate his appointment for due cause at any time.

3. At the expiration of his term of office a Governor shall be eligible for re-appointment.

Article 13

General powers of the Governor

1. The Governor shall be the representative of the United Nations in the City.

2. The Governor, on behalf of the United Nations, shall exercise executive authority in the City and shall act as the chief administrative officer thereof, subject only to the provisions of this Statute and to the Instructions of the Trusteeship Council. He shall be responsible for ensuring the peace, order and good government of the City in accordance with the special objectives set out in the Preamble to this Statute.

3. The Governor shall be responsible for exercising such supervision over religious or charitable bodies of all faiths in the City as may be required for the maintenance of public order, public morals and public health. He shall exercise such supervision in conformity with existing rights and traditions.

4. The Governor shall negotiate with the States concerned agreements to ensure, in conformity with the Resolutions of the General Assembly, the protection of the Holy Places located in the Holy Land outside the City.

5. The Governor and his official and private property shall not be in any way subject to the jurisdiction of the Legislative Council or of the Courts of the City.

Article 14

Power of pardon and reprieve

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

Article 15

Preservation of order

1. The Governor shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order.

2. The Governor shall organize and direct a special police force, of such numbers as he may deem necessary, for the maintenance of internal law and order, and especially for the protection of the Holy Places, religious buildings and sites.

Article 16

Emergency powers of the Governor

1. If, in the opinion of the Governor, the administration is being seriously obstructed or prevented by the non-cooperation or interference of persons or groups of persons, the Governor, during the period of the emergency, shall take such measures and enact by order such legislation as he may deem necessary to restore the effective functioning of the administration, and such orders shall have effect notwithstanding anything to the contrary in any legislation in force.

2. The circumstances in which the Governor may have exercised any power conferred on him by this Article shall be reported to the Trusteeship

Council as soon as may be practicable.

Article 17

Organization of the administration

1. The Governor shall be assisted by a Chief Secretary who shall be appointed by the Trusteeship Council on the recommendation of the Governor.

2. The Governor shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminatory basis for their competence and integrity and, whenever practicable, from among the residents of the City. Subject to any instructions of the Trusteeship Council and to any legislation of the City, the appointments of members of the administrative staff may be terminated by the Governor at any time.

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

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

Article 18

Disqualification from public office

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

Article 19

Oaths of office

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

Article 20

Acting Governor

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

Article 21

The Legislative Council

1. A Legislative Council, consisting of a single chamber, shall have power to legislate, consistent with the provisions of this Statute, upon all matters affecting the interests of the City, except such matters as are included within powers specifically granted by this Statute to the Trusteeship Council or to any other authority.

2. The Legislative Council shall be composed of citizens or residents of the City, twenty-five years of age and over, elected or designated in accordance with the provisions of this Article and of Article 22 of this Statute.

3. The Legislative Council shall consist of twenty-five elected members and of not more than fifteen non-elected members.

The twenty-five members shall be elected by four electoral colleges: a Christian college, a Jewish college, a Moslem college and a college which shall be composed of the residents of the City who declare that they do not wish to register with any of the other three colleges. The Governor shall make all the necessary arrangements for opening and keeping the electoral registers in each of these four colleges.

The first three colleges shall each elect eight members to the Legislative Council and the fourth college one member.

The non-elected members of the Council shall be designated by the Heads of the principal religious communities of the City: the number of these members representing the Christian religion, the Jewish religion and the Moslem religion being equal. The Governor shall submit to the Trusteeship Council a plan for the number and allocation of the non-elective seats.

4. The legislation of the City may make provisions as to disqualifications from, election to, and membership of, the Legislative Council, resulting from loss of legal capacity.

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

Article 22

Elections to the Legislative Council

1. The elected members of the Legislative Council shall be elected by residents of the City, twenty-one years of age and over, irrespective of nationality or sex, on the basis of universal and secret suffrage and proportional representation in each electoral college. For this purpose every resident of the City may register with the college of his own community, or with the fourth college; he may be registered at only one college.

2. The Legislation of the City shall provide for an electoral law and make provisions regarding disqualifications from voting, resulting from loss of legal capacity.

Article 23

Duration of the Legislative Council

1. The term of the Legislative Council shall be four years from the date of its election, unless it is earlier dissolved.
2. If, at the end of a four-year term of the Legislative Council, it is the opinion of the Governor that circumstances are inappropriate for the conduct of a general election, the Legislative Council may vote the prolongation of its term for a period not exceeding one year. The Governor shall forthwith submit a report to the Trusteeship Council which may issue such instructions as it may deem necessary.
3. If a serious political crisis arises in the City and if, in the opinion of the Governor, the dissolution of the Legislative Council would be justified, he shall report the circumstances to the Trusteeship Council which may, after examining the Governor's report, order such dissolution and at the same time fix a date for the holding of new elections.

Article 24

Legislation and resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.
2. The Governor, or any officer appointed by him, may make statements or answer questions before the Legislative Council, introduce any bill or resolution and participate without vote in all deliberations of the Legislative Council.
3. A bill adopted by the Legislative Council shall become law only upon promulgation by the Governor.

At any time within a period of thirty days after the transmission to him of any bill the Governor may disapprove the bill if, in his opinion, it is in conflict with the provisions of this Statute or it would impede the Administration of the City or inflict undue hardship on any section of the inhabitants of the City and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval.

If, at the expiration of the period of thirty days, the Governor has not disapproved the bill he shall forthwith promulgate it as a law.

Article 25

Legislation by order of the Governor

1. At any time when there is no Legislative Council, the Governor may legislate by order which shall have the force and effect of law. All such orders shall be laid before the Legislative Council as soon as may be practicable and shall remain in force until and unless repealed or amended in accordance with the provisions of paragraph 3 of Article 24.

2. When the Legislative Council is in session but fails to adopt in time a bill deemed essential to the normal functioning of the Administration the Governor may make temporary orders.

3. The Governor shall forthwith report to the Trusteeship Council any action taken by him in accordance with the provisions of this Article and the Trusteeship Council may issue such instructions as it may deem necessary.

Article 26

Standing Orders of the Legislative Council

1. The Legislative Council shall adopt such Standing Orders for the conduct of its business, including the election of a President (who may or may not be a member of the Legislative Council), as it may deem appropriate.

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

3. Subject to the provisions of Article 23 of this Statute, subsequent sessions of the Legislative Council shall be convened in accordance with the Standing Orders of the Legislative Council.

4. Subject to the provisions of Article 23 of this Statute, the Governor shall convene an extraordinary session of the Legislative Council upon the request of a majority of the members.

5. A majority of the members of the Legislative Council shall form a quorum.

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

Article 27

Immunity of members of the Legislative Council

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

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

Article 28

Judicial system

1. There shall be a Supreme Court which shall consist of such number of Judges, not being less than three or more than five, as the Trusteeship Council may determine, of whom one shall be President and shall be styled Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.

2. The legislation of the City shall provide for an independent judicial system for the City, including such subordinate and other Courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the Courts and provide for their organization.

3. All persons shall be subject to the jurisdiction of the City, except and insofar as such persons may enjoy immunity as provided for in this Statute.

4. Judicial personnel of subordinate Courts shall be appointed by and may be suspended or dismissed by the Chief Justice with the approval of the Governor, in accordance with any instructions of the Trusteeship Council.

5. Subject to the special objectives set out in the Preamble to this Statute and to social evolution in the City, the existing status and jurisdiction of religious Courts in the City shall be respected. In the case of any conflict regarding jurisdiction between religious Courts or between religious Courts and civil Courts, the Supreme Court shall consider the case and decide in which Court the jurisdiction shall lie.

6. Decisions by the Supreme Court shall be made by a majority of its members: Provided that, if in any case the opinion of the Court be equally divided, the opinion of the Chief Justice shall prevail.

Article 29

Constitutionality of legislation and administrative acts

1. In cases brought before the Courts of the City this Statute shall prevail over any legislation or administrative act. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or act is incompatible with the provisions of this Statute.

2. In any case in which the Supreme Court decides that any legislation or administrative act is incompatible with the provisions of this Statute such legislation or administrative act shall be void and of no effect.

Article 30

Access to and immigration into the City

1. Subject only to the requirements of public order, public morals and public health:

(a) Freedom of entry into and of temporary residence in and of exit from the City shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith;

(b) The legislation of the City shall make special provisions to facilitate entry and exit from the City for inhabitants of adjoining areas.

2. Immigration into the City for the purposes of residence shall be controlled by order of the Governor under the Instructions of the Trusteeship Council having regard to the absorptive capacity of the City and the maintenance of equality between the various communities.

Article 31

Official and working languages

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.

Article 32

Educational system and cultural and benevolent institutions

1. All persons have a right to education. Education shall be directed to the full physical, intellectual, moral and spiritual development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall be directed to the promotion of understanding, tolerance and friendship among all national, racial and religious groups. It shall in particular be directed to the furtherance of the activities of the United Nations, to the establishment of peace and to the attainment of the special objectives set out in the Preamble to this Statute.

2. Education, in its elementary stages, shall be free and compulsory. In its secondary stages, it shall insofar as may be practicable be free. Technical and professional educational facilities shall be provided insofar as may be practicable and those supported by public funds shall be equally accessible to all on the basis of merit.

3. The City shall maintain or subsidize and supervise a system of primary and secondary education on an equitable basis for all communities in their respective languages and in accordance with their respective cultural traditions: Provided that such communities have a sufficient number of pupils to justify a separate school.

4. Subject to the provisions of paragraph 1 of this Article and to such educational requirements of a general nature as the legislation of the City may impose, any community or any specific group within any community may maintain its own institutions for the education of its own members in its own language according to its own cultural traditions.

5. Subject to the provisions of paragraph 1 of this Article and to the legislation of the City, private or foreign educational establishments may be maintained in the City: Provided that existing rights shall continue unimpaired.

6. Educational and cultural establishments, charitable institutions and hospitals already in existence or founded after the coming into force of this Statute shall enjoy the fiscal privileges provided for in paragraph 5 of Article 38.

7. At the request of a parent or legal guardian, any child may be exempted from religious instruction in any school supported in whole or in part by public funds.

Article 33

Broadcasting and television

1. Radio broadcasting and television shall be reserved to the City administration and shall be controlled by a Joint Broadcasting Council which

shall be appointed by, and shall be responsible to, the Governor and which shall include an equal number of representatives of each of the three principal religions: Christian, Jewish and Moslem.

2. Representatives of the Christian, Jewish and Moslem religions shall have equal opportunities of access to the broadcasting and television facilities of the City.

3. The principle of freedom of expression shall apply to broadcasting, but it shall be the responsibility of the Joint Broadcasting Council to ensure that the radio is used to further the interests of peace and mutual understanding between the inhabitants of the City and of the objectives of this Statute and of the Charter of the United Nations.

Article 34

Economic provisions

1. The plan for the economic and financial organization of the City adopted by the Trusteeship Council in accordance with the provisions of paragraph 4 of Article 43 shall form an Annex to this Statute.

2. In the economic and social fields the rights and interests of the inhabitants shall be considered as of primary importance. Subject to this provision, all economic, industrial and commercial matters shall be regulated on the basis of equal treatment and non-discrimination for all States, nationals, and companies or associations controlled by their nationals; and an equal treatment and non-discrimination shall be ensured in respect of freedom of transit, including transit and navigation by air, acquisition of property, both movable and immovable, protection of persons and property and the exercise of professions and trades.

Article 35

Budgets

1. The Governor shall be responsible for the preparation of the annual

and supplementary budgets of the City and only the Governor or any officer appointed by him shall introduce budgets in the Legislative Council.

2. The financial provision made by the Governor in the budgets for the maintenance of the special police force shall not be altered by the Legislative Council. The Trusteeship Council may determine other services for which the financial provision made by the Governor in the budgets shall not be altered by the Legislative Council.

3. The Governor may authorise, in anticipation of approval by the Legislative Council, expenditure for which there is no provision in the budgets, if in his opinion such expenditure becomes a matter of urgency.

Article 36

Local autonomy

1. Existing local autonomous units and such new local autonomous units as may be created shall enjoy wide powers of local government and administration in accordance with the legislation of the City.

2. The plan for local autonomy adopted by the Trusteeship Council in accordance with the provisions of paragraph 5 of Article 43 shall form an Annex to this Statute.

Article 37

External affairs

1. Subject to the provisions of this Statute and to the Instructions of the Trusteeship Council, the Governor shall conduct the external affairs of the City.

2. The Governor may ensure by means of special international agreements, or otherwise, the protection abroad of the interests of the City and of its citizens.

3. The Governor may accredit representatives to foreign States for the protection of the interests of the City and its citizens in those States.

4. Representatives may be accredited to the Governor by any State if he so permits.

5. The Governor, on behalf of the City, may sign treaties which are consistent with this Statute and shall adhere to the provisions of any international conventions and recommendations drawn up by the United Nations or by the Specialized Agencies referred to in Article 57 of the Charter of the United Nations which may be appropriate to the particular circumstances of the City, or would conduce to the achievement of the special objectives set out in the Preamble to this Statute.

6. Such treaties and international undertakings entered into by the Governor shall be submitted for ratification to the Legislative Council. If the Legislative Council does not ratify any such treaties or international undertakings within six months of the date of signature by the Governor, the matter shall be referred to the Trusteeship Council which shall have the power to ratify them.

7. Foreign Powers shall enjoy immunities no less than those in force on 29 November 1947 in respect of their property within the City.

Article 38

Holy places, religious buildings and sites

1. The protection of Holy Places, religious buildings and sites shall be the special concern of the Governor.

2. The Governor shall decide any question which may arise as to whether any place, building or site, not hitherto regarded as a Holy Place, religious building or site, is to be regarded as such for the purpose of this Statute. For the purpose of deciding any such question, the Governor may appoint a Committee of Enquiry to assist him.

3. If any dispute arises between different religious communities or between different confessions and faiths in connection with any Holy Place, religious building or site, the Governor shall decide on the basis of

existing rights. For the purpose of deciding any such dispute, the Governor may appoint a Committee of Enquiry to assist him. He may also, if he shall deem fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

4. At the request of any party to a dispute under paragraphs 2 or 3 of this Article, the Governor shall seek an advisory opinion of the Supreme Court on points of law, before he takes a decision.

5. If at any time it appears to the Governor that any Holy Place, religious building or site is in need of urgent repairs, he may call upon the community or denomination or section of the community concerned to carry out such repairs. If the repairs are not carried out, or are not completed within a reasonable time, the Governor may arrange for repairs to be carried out or completed and the expenses of so doing shall be a charge on the revenues of the City but may be recovered from the community or denomination or section of the community concerned, subject to existing rights.

6. No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempted from taxation of that form on 29 November 1947. No change in the incidence of any form of taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings and sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 29 November 1947.

7. The Governor shall ensure that the property rights of churches, missions and other religious or charitable agencies shall be confirmed and respected. He shall ensure, further, that all such property which, since the outbreak of the Second World War had been seized without equitable compensation but which has not already been returned or, for one reason or another, could not be returned to its original owners, shall either be restored to them or be transferred to another church, or mission or other religious or charitable agency, representative of the same confession.

8. The Governor shall by order ensure that:

- (a) His decisions taken in accordance with the provisions of paragraphs 2 and 3 of this Article are carried into effect and that provision is made for the recovery of sums recoverable in accordance with the provisions of paragraph 5 of this Article;
- (b) Existing rights in respect of Holy Places, religious buildings and sites shall not be denied or impaired;
- (c) Subject to the requirements of public order, public morals and public health, free access is maintained to Holy Places, religious buildings and sites and that free exercise of worship therein is secured in conformity with existing rights;
- (d) Holy Places, religious buildings and sites are preserved;
- (e) No act is committed which may in any way impair the sacred character of Holy Places, religious buildings or sites;
- (f) Provisions of this Article generally, and the special objectives set out in the Preamble to this Statute insofar as they relate to Holy Places, religious buildings and sites, are carried into effect.

9. An order made in accordance with the provisions of paragraph 8 of this Article may contain penal provisions and shall have effect notwithstanding anything to the contrary in any legislation.

10. The Governor shall transmit a copy of every order made in accordance with the provisions of paragraph 8 of this Article to the Trusteeship Council as soon as may be practicable and the Trusteeship Council may give such instructions to the Governor in relation thereto as it may deem fit.

Article 39

Protection of antiquities

Legislation of the City shall provide for the protection of antiquities.

Article 40

Capitulations

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

Article 41

Entry into force of the Statute

This Statute shall come into force at a date to be determined by a resolution of the Trusteeship Council.

Article 42

Re-examination of the Statute

1. This Statute shall remain in force, in the first instance, for a period of ten years unless the Trusteeship Council amends it before the expiration of this period.

2. On the expiration of this period of ten years, the whole Statute shall be subject to re-examination by the Trusteeship Council. The residents of the City shall then be free to express by means of a referendum their wishes as to possible modifications of the regime of the City. The Trusteeship Council shall in due course lay down the procedure by which this referendum shall be conducted.

Article 43

Transitory provisions

1. Flag

Unless the Legislature of the City decides otherwise, the flag of the United Nations shall be flown from official buildings.

2. First elections to the Legislative Council

The first elections of members to the Legislative Council shall be held as soon as possible after the entry into force of this Statute at such date and in such manner as shall be provided by order of the Governor in accordance with the provisions of Articles 21 and 22 of this Statute and of the Instructions of the Trusteeship Council.

3. Provisional President of the Legislative Council

The Provisional President of the Legislative Council shall be appointed by the Governor and shall remain in office until the election of a President by the Legislative Council.

4. Economic provisions

The Governor shall take prompt steps to formulate, with the advice and help of such experts as may seem to him desirable, the economic and financial principles upon which the Government of the City is to be based. In doing so he shall take into consideration the desirability of meeting the costs of the administration of the City from rates, taxes and other local revenues, and the possibility that any advances from the United Nations towards such expenditure will be in the form of loans. The Governor, within six months of the date of his appointment, shall submit to the Trusteeship Council for its consideration a plan for the economic and financial organization of the City.

Pending a decision by the Trusteeship Council in this matter, the Governor may temporarily take such economic and financial measures as he may deem necessary for the proper administration of the City.

Commercial concessions, or concessions in respect of public services, granted in the City prior to 29 November 1947 shall continue to be valid according to their terms, unless modified by agreement between the Governor and the concession holder.

5. Local autonomy

The Governor, after consultation with the Legislative Council and, if possible, within six months of the date of his appointment, shall submit to

the Trusteeship Council for its consideration a plan for dividing the City into local autonomous units and for the allocation of powers between the City authorities and the authorities of those autonomous units.

6. Continuity of legislation

The legislation in force in the City on the day preceding the termination of the Mandate, insofar as it is not inconsistent with the provisions of this Statute, shall be applicable in the City until such time as it may be amended or repealed by legislation.

7. Refugees

Having regard to any decisions or recommendations which have been, or may be, made by organs of the United Nations or to any agreements which have been accordingly concluded between the States concerned regarding the problem of the Palestine refugees, the Governor of the City, as soon as this Statute enters into force, shall facilitate the repatriation, resettlement and economic and social rehabilitation of persons who, on 29 November 1947, were ordinarily resident in the City and have left the City as refugees, as well as the payment of any indemnities which may be due to them.