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SUMMARY RECORD OF THE NINETY-SECOND MEETING

held in Lausanne on Monday,  
29 August 1949, at 10:30 a.m.

Present: Mr. de Boisanger (France) - Chairman  
Mr. Yalcin (Turkey)  
Mr. Porter (U.S.A.)  
Dr. Azcárate - Principal Secretary

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Next meetings with Israeli and Arab delegations

Mr. PORTER informed the Commission that Mr. Shiloah's return to Lausanne had been delayed one day, and that the Israeli delegation would prefer to postpone its reply to the Commission's memorandum of 15 August until the following morning.

The CHAIRMAN noted that in accordance with a request received from the Lebanese and Jordan delegations, the meeting arranged with the Arab delegations for the afternoon would be held as scheduled; the text of their remarks would, however, remain strictly confidential until after the meeting with the Israeli delegation.

Report of the Committee on Jerusalem (Com.Jer./12)

Mr. PORTER wished to propose certain modifications to the text of the Instrument, which he felt would clarify and strengthen its provisions without altering its basic concepts. Since the proposed modifications were independent of one another, he requested that they should be considered one by one.

The CHAIRMAN noted that the articles to which no amendments were proposed would be considered as adopted.

Mr. PORTER proposed the following amendments:

(a) On page 4, to replace the Preamble by the following text:

"The United Nations,

"HAVING RESOLVED by its resolution of 11 December 1948 that the Jerusalem area, in view of its association with three world religions, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control,

"HEREBY ESTABLISHES, in the exercise of its full and permanent authority over the Jerusalem area, a permanent International Regime for the Jerusalem area, in accordance with the following provisions:"

The adoption of this amendment would entail the deletion of the entire text of page 4 up to the title.

(b) Page 5, article 3: to replace the words "shall fall within" by the words "are delegated to".

(c) Page 7, article 10: after the words "and the United Nations Commissioner", to add the words "or Deputy Commissioner".

(d) Page 8, article 12: to revise the third sentence to read: "Each member of the Tribunal shall be of a different nationality..."

(e) Page 10, article 13: to revise the second sentence of the second paragraph to read: "Its decisions shall be rendered in the name of the United Nations, and it shall determine its own regulations..."

(f) Page 11, article 13: to delete the words "in Jerusalem" in line 2.

The Commission approved all the amendments proposed by the United States member.

Mr. YALCIN had no modifications to propose, but wished to clarify one point. His delegation had wished to include, among the general provisions of the Instrument, an article prohibiting the transfer of immovable property between Jews and Arabs, but had abandoned its proposal on the assumption that the Arab authorities would be free to pass legislation for that purpose. He wished it recorded that if such was not to be the case, his delegation would wish to include such a provision in the Instrument.

Mr. PORTER agreed with the view of the CHAIRMAN that nothing in the Instrument would prevent the authorities of either municipality from imposing restrictions of this nature, although the Commission would of course take no position regarding the wisdom of such restrictions.

Since there were no further amendments, Mr. PORTER proposed that the report should be considered as received and approved by the Commission, and that the Instrument and the attached Declaration concerning the Holy Places outside Jerusalem should be transmitted to the Secretary-General with a covering letter.

The CHAIRMAN noted that two separate covering letters would be necessary, and that a certain amount of time would be needed to draft them.

The Commission adopted Mr. Porter's proposal, and agreed that the adoption of the Instrument would not be made public until the text was in the hands of the Secretary-General.

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