

Item 19 Occupied Palestine² (199 EX/19)

10. After considering this item, the Programme and External Relations Commission recommended that the Executive Board adopt the following draft decision:

I.**I.A Jerusalem**

The Executive Board,

1. Having examined document 199 EX/19,
2. Recalling the provisions of the four Geneva Conventions (1949) and their additional Protocols (1977), the 1907 Hague Regulations on Land Warfare, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem and its Walls at the request of Jordan on the World Heritage List (1981) and on the List of World Heritage in Danger (1982), and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage, as well as resolutions and decisions of UNESCO relating to Jerusalem, also recalling previous UNESCO decisions related to the reconstruction and development of Gaza as well as UNESCO decisions on the two Palestinian sites in Al-Khalil / Hebron and in Bethlehem,
3. Affirming that nothing in the present decision, which aims, *inter alia*, at the safeguarding of the cultural heritage of Palestine and the distinctive character of East Jerusalem, shall in any way affect the relevant Security Council and United Nations resolutions and decisions on the legal status of Palestine and Jerusalem,
4. Deeply regrets the Israeli refusal to implement UNESCO previous Decisions concerning Jerusalem particularly 185 EX/Decision 14 and notes that its request to the Director-General to appoint, as soon as possible, a permanent representative to be stationed in East Jerusalem to report on a regular basis about all the aspects covering the fields of competence of UNESCO in East Jerusalem, has not been fulfilled and reiterates its request to the Director-General to appoint the above-mentioned representative;

² After considering this item, the Programme and External Relations Commission (PX) recommended by a vote taken by roll-call that the Executive Board adopt the draft decision contained in document 199 EX/PX/DR.19.1 Rev., with 33 votes in favour, 6 votes against and 17 abstentions:

The following States having voted for the adoption: Algeria, Argentina, Bangladesh, Brazil, Chad, China, Dominican Republic, Egypt, France, Guinea, India, Iran (Islamic Republic of), Lebanon, Malaysia, Mauritius, Morocco, Mexico, Mozambique, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, Slovenia, Sudan, South Africa, Spain, Sri Lanka, Sweden, Togo, Viet Nam.

The following State having voted against: Estonia, Germany, Lithuania, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Albania, Cameroon, Côte d'Ivoire, El Salvador, Greece, Haiti, Italy, Japan, Kenya, Nepal, Paraguay, Republic of Korea, Saint Kitts and Nevis, Serbia, Trinidad and Tobago, Uganda, Ukraine.

Absent: Ghana, Turkmenistan.

5. Deeply deplores the failure of Israel, the Occupying Power, to cease the persistent excavations and works in East Jerusalem particularly in and around the Old City, and reiterates its request to Israel, the Occupying Power, to prohibit all such works in conformity with its obligations under the provisions of the relevant UNESCO conventions, resolutions and decisions;
6. Thanks the Director-General for her efforts to implement previous UNESCO decisions on Jerusalem and asks her to maintain and reinvigorate such efforts;

I.B Al-Aqsa Mosque/Al-Haram Al-Sharif and its surroundings

I.B.1 Al-Aqsa Mosque/Al-Haram Al-Sharif

7. Calls on Israel, the Occupying Power, to allow for the restoration of the historic *Status Quo*, that prevailed until September 2000, under which the Jordanian Awqaf (Religious Foundation) Department exercised exclusive authority on Al-Aqsa Mosque/Al-Haram Al Sharif, and its mandate extended to all affairs relating to the unimpeded administration of Al-Aqsa Mosque/Al-Haram Al Sharif, including maintenance, restoration, and regulating access;
8. Strongly condemns the Israeli aggressions and illegal measures against the freedom of worship and Muslims' access to their Holy Site Al-Aqsa Mosque/Al-Haram Al Sharif, and requests Israel, the Occupying Power, to respect the historic Status Quo and to immediately stop these measures;
9. Firmly deplores the continuous storming of Al-Aqsa Mosque/Al-Haram Al-Sharif by the Israeli right-wing extremists and uniformed forces, and urges Israel, the Occupying Power, to take necessary measures to prevent provocative abuses that violate the sanctity and integrity of Al-Aqsa Mosque/Al-Haram Al-Sharif;
10. Deeply decries the continuous Israeli aggressions against civilians including sheikhs, and priests, further decries the large number of arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in Al-Aqsa Mosque/Al-Haram Al-Sharif by the Israeli forces and also urges Israel, the Occupying Power, to end these aggressions and abuses which inflame the tension on the ground and between faiths;
11. Disapproves the Israeli restriction of access to Al-Aqsa Mosque/Al-Haram Al-Sharif during the Eid Al-Adha 2015 and the subsequent violence and calls on Israel, the Occupying Power, to stop all violations against Al-Aqsa Mosque/Al-Haram Al-Sharif;
12. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in Al-Aqsa Mosque/Al-Haram Al-Sharif and requests Israel to deliver visas to UNESCO experts without restrictions;
13. Also regrets the damage caused by the Israeli Forces, especially since 23 August 2015, to the historic gates and windows of the Qibli Mosque inside Al-Aqsa Mosque/Al-Haram Al-Sharif, and reaffirms, in this regard, the obligation of Israel to respect the integrity, authenticity and cultural heritage of Al-Aqsa Mosque/Al-Haram Al-Sharif, as reflected in the historic *status quo*, as a Muslim Holy Site of worship and as an integral part of a World Cultural Heritage Site;
14. Calls on Israel, the Occupying Power, to stop violations against the Waqf properties east and south of Al-Aqsa Mosque/Al-Haram Al-Sharif, such as the recent confiscations of parts of Al-Youssefeyah cemetery and Al-Sawanah area by banning Muslims from burying their dead in some spaces and by planting Jewish fake graves in other spaces of the Muslim cemeteries, in addition to the dramatic change of the status

- and distinctive character of the Umayyad Palaces, in particular the violation of the continued conversion of many Islamic and Byzantine remains into the so-called Jewish ritual baths or into Jewish prayer places;
15. Expresses its deep concern over the Israeli closure and ban of the renovation of the Al-Rahma Gate building, one of Al-Aqsa Mosque/Al-Haram Al-Sharif gates, and urges Israel, the Occupying Power, to reopen the Gate, and stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building;
 16. Calls on Israel, the Occupying Power, to stop the obstruction of the immediate execution of all the 18 Hashemite restoration projects in and around Al-Aqsa Mosque/Al-Haram Al-Sharif;
 17. Further deplores the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so called "Liba House" project in the Old City of Jerusalem as well as the construction of the so called "*Kedem Center*", a visitor centre near the southern wall of the Mosque, the construction of the Strauss Building and the project of the elevator in Al-Buraq Plaza "Western Wall Plaza" and urges Israel, the Occupying Power, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions;

I.B.2 The Ascent to the Mughrabi Gate in Al-Aqsa Mosque/Al-Haram Al-Sharif

18. Reaffirms that the Mughrabi Ascent is an integral and inseparable part of Al-Aqsa Mosque/Al-Haram Al-Sharif;
19. Takes note of the 15th Reinforced Monitoring Report and all previous reports, together with their addenda prepared by the World Heritage Centre as well as the State of Conservation reports submitted to the World Heritage Centre by the Hashemite Kingdom of Jordan and the State of Palestine;
20. Deprecates the persisting Israeli unilateral measures and decisions regarding the Ascent to the Mughrabi Gate, including the latest works conducted at the Mughrabi Gate entrance in February 2015, the instalment of an umbrella at that entrance as well as the enforced creation of a new Jewish prayer platform south of the Mughrabi Ascent in Al-Buraq Plaza "Western Wall Plaza", and the removal of the Islamic remains at the site and reaffirms that no Israeli unilateral measures, shall be taken in conformity with its status and obligations under the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;
21. Further expresses its deep concern regarding the illegal demolitions of Umayyad, Ottoman and Mamluk remains as well as other intrusive works and excavations in and around the Mughrabi Gate Pathway, and also requests Israel, the Occupying Power, to halt such demolitions, excavations and works and to abide by its obligations under the provisions of the UNESCO conventions mentioned in para 2;
22. Reiterates its thanks to Jordan for its cooperation and further urges Israel, the Occupying Power, to cooperate with Jordanian Awqaf Department, in conformity with its obligations under the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, to facilitate access of Jordanian Awqaf experts with their tools and material to the site in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate in accordance with UNESCO and World Heritage Committee decisions particularly 37 COM/7A.26, 38 COM/7A.4 and 39 COM/7A.27;

23. Thanks the Director-General for her attention to the sensitive situation of this matter and asks her to take the necessary measures in order to enable the execution of the Jordanian design of the Ascent to the Mughrabi Gate;

I.C The UNESCO Reactive Monitoring Mission to the Old City of Jerusalem and its Walls and The UNESCO experts meeting on the Mughrabi Ascent

24. Stresses yet again the urgent need of the implementation of the UNESCO Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;
25. Recalls, in this regard, 196 EX/Decision 26 that requests, in case of non-implementation, to consider, in conformity with the International Law, other means to ensure its implementation;
26. Notes with deep concern that Israel, the Occupying Power, did not comply with any of the 11* decisions of the Executive Board as well as the six** resolutions of the World Heritage Committee that request the implementation of the Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;
27. Regrets the continued Israeli refusal to act in accordance with UNESCO and World Heritage Committee decisions that request a UNESCO experts meeting on the Mughrabi Ascent and the dispatch of a Reactive Monitoring Mission to the Old City of Jerusalem and its Walls;
28. Invites the Director-General to take necessary measures to implement the above-mentioned Mission in accordance with World Heritage Committee decision 34 COM/7A.20, prior to the next session of the Executive Board, also invites all concerned parties to facilitate the implementation of that mission and experts meeting;
29. Requests that the report and recommendations of the mission as well as the report of the technical meeting on the Mughrabi Ascent, be presented to the concerned parties;
30. Thanks the Director-General for her continuous efforts to implement the above-mentioned UNESCO joint Reactive Monitoring Mission and all related UNESCO decisions and resolutions;

II. Reconstruction and development of Gaza

31. Deplores the military confrontations in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, as well as the continuous negative impact in the fields of competence of UNESCO, the attacks on schools and other educational and cultural facilities, including breaches of inviolability of UNRWA schools;
32. Strongly deploras the continuous Israeli blockade of the Gaza Strip, which harmfully affects the free and sustained movement of personnel and humanitarian relief items as well as the intolerable number of casualties among Palestinian children, the attacks on schools and other educational and cultural facilities and the denial of access to education, and requests Israel, the occupying Power, to immediately ease this blockade;

* The 11 Executive Board decisions: 185 EX/Decision 14, 186 EX/Decision 11, 187 EX/Decision 11, 189 EX/Decision 8, 190 EX/Decision 13, 191 EX/Decision 9, 192 EX/Decision 11, 194 EX/Decision 11, 195 EX/Decision 9, 196 EX/Decision 26, 197 EX/Decision 32.

** The six World Heritage Committee resolutions: 34 COM/7A.20, 35 COM/7A.22, 36 COM/7A.23, 37 COM/7A.26, 38 COM/7A.4, 39 COM/7A.27.

33. Reiterates its request to the Director-General to upgrade, as soon as possible, the UNESCO Antenna in Gaza in order to ensure the prompt reconstruction of schools, universities, cultural heritage sites, cultural institutions, media centres and places of worship that have been destroyed or damaged by the consecutive wars on Gaza;
34. Thanks the Director-General for the information meeting held on March 2015 on the current situation in Gaza in the fields of competence of UNESCO and on the outcome of the projects conducted by UNESCO in the Gaza Strip-Palestine, and invites her to organize another information meeting on the same matter;
35. Also thanks the Director-General for initiatives that have already been implemented in Gaza in the fields of education, culture and youth and for the safety of media professionals, and calls upon her to continue her active involvement in the reconstruction of Gaza's damaged educational and cultural components;

III. The two Palestinian sites of Al-Ḥaram Al Ibrāhīmī/Tomb of the Patriarchs in Al-Khalīl/Hebron and the Bilāl Ibn Rabāḥ Mosque/Rachel's Tomb in Bethlehem

36. Reaffirms that the two concerned sites located in Al-Khalīl/Hebron and in Bethlehem are an integral part of Palestine;
37. Disapproves the ongoing Israeli illegal excavations, works, construction of private roads for settlers and a separation wall inside the Old City of Al-Khalīl/Hebron, that harmfully affect the integrity of the site, and the subsequent denial of freedom of movement and freedom of access to places of worship, and urges Israel, the occupying Power, to end these violations in compliance with provisions of relevant UNESCO conventions, resolutions and decisions;
38. Deeply deplores the new cycle of violence, since October 2015, in the context of the constant aggressions by the Israeli settlers and other extremist groups against Palestinian residents including schoolchildren, and asks Israel, the Israeli authorities to prevent such aggressions;
39. Deeply regrets the Israeli refusal to comply with 185 EX/Decision 15 which requested the Israeli authorities to remove the two Palestinian sites from its national heritage list and calls on the Israeli authorities to act in accordance with that decision;

IV.

40. Decides to include these matters under the item entitled "Occupied Palestine" in the agenda of the Executive Board at its 200th session, and invites the Director-General to submit to it a progress report on these matters.